



Posted: June 08, 2018

* REVISED AGENDA

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a special meeting on
THURSDAY, JUNE 14, 2018 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

CLOSED SESSION BEGINS AT 5:00PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT REGARDING CLOSED SESSION AGENDA ITEMS
- IV. ADJOURN TO CLOSED SESSION
 1. Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957
 2. Conference with legal counsel regarding real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. Pursuant to California Government Code section 54956.8
- V. RECONVENE TO OPEN SESSION & REPORT
- VI. APPROVAL OF AGENDA
- VII. APPROVAL OF MINUTES – 04-30-18 scc
- VIII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS
- IX. STAFF REPORTS
- X. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- XI. CONSENT AGENDA
 1. Financial Status Reports for April 2018.
 2. Staff Activity Report for May 2018
 3. Law Enforcement Report – May 2018
 4. Approve Resolution 2018-06; Authorizing the City Manager to sign a USDA SEARCH Grant Agreement
 5. Amendment to Consultant Agreements for Services for Ocean Protection Council Citywide LID Grant Project.
 6. Resolution 2018-07; Implementing the Civic Club request to Consolidate the Coastal Development Permit Process for the Follow-up Permits from the Memorial Lighthouse Relocation.
- XI. DISCUSSION/ACTION AGENDA ITEMS
 1. Discussion/Decision regarding Time-Limited Parking Restriction on Edwards Street Bluff between Trinity Street and Ocean Ave.
 2. Discussion/Decision regarding Planning Commission Recommendations; Definition of a Kitchen, Detached Living Spaces, and Administrative Fines
 3. Discussion/Decision regarding Trails Committee Bench Policy
 4. Discussion/Direction regarding FY2018-19 Budget and Workplan
 5. Discussion/Decision regarding Parker Street Right-of-Way Encroachments.
- XII. FUTURE AGENDA ITEMS
- XIII. ADJOURNMENT

APPROVAL OF MINUTES FOR:

APRIL 30, 2018, SCC

Supporting Documentation follows with: 2 PAGES

Minutes for the following dates still pending:

- 05-09-18 cc
- 05-29-18 scc

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
MONDAY, APRIL 30, 2018

I. CALL TO ORDER

- Mayor Rotwein called the meeting to order at 3:00pm. Council members in attendance: West, Ladwig, Miller, Baker, Rotwein.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

*Motion (Baker/Miller) to approve the agenda. **Passed unanimously.***

IV. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Dorothy Cox – Trinidad

Requested a progress report on the Short-Term Rental Committee formation.

V. CONSENT AGENDA

1. Resolution 2018-04; Adopting a List of Projects for Fiscal Year 2018-19 Funded by SB1 – The Road Repair and Accountability Act of 2017.

*Motion (Miller/Ladwig) to approve the consent agenda as submitted. **Passed unanimously.***

VI. DISCUSSION/ACTION AGENDA ITEMS

1. Budget Workshop to Discuss Goals and Priorities for FY 2018-2019

City Manager Berman explained that the OWTS permitting, Short-Term Rental license renewals, and an adequate staffing plan that is responsive to the community's needs are a few of his primary goals.

Regarding Staffing, the following priorities were identified:

Miller: Requested data on police presence and call response time, as well as data showing staffing voids.

Rotwein: Requested the City Manager provide Sheriff staffing options for the upcoming year.

City Manager Berman explained that the City should always at least (3) Certified Water Operators on staff.

Council requested the City Manager review contract vs. Staff labor options for the Public Works Department and report back at the next meeting.

Rotwein: The Grant Administrator position should be fully funded by grants. City Manager should return with a Staffing plan that outlines the options for funding this position as well as full-time Administrative support.

Regarding Public Buildings, the following priorities were identified:

Council agreed to explore the option of purchasing the old church property at 1 Westhaven North Drive.

Public Works will be asked to do a facilities maintenance review and bring back 2018 priorities to the next budget meeting.

The following miscellaneous priorities were discussed:

Miller: Regarding "the bigger picture" the City should work with Green Diamond to explore water sources higher up the Luffenholtz watershed and using gravity to produce hydro power that will offset the energy consumed by the treatment system. Also, City-owned telecom, wi-fi, and energy options that could be used in

a way that would offset the need for things such as cell-tower income and provide during worst case scenarios.

Rotwein: Follow up with the County to ensure the City is notified before any cannabis permits are issued in the Luffenholz Creek Watershed, and ask the City Manager to follow up on options to increase the City's water storage capacity.

For the next workshop, the City Manager was requested to consider and provide the following information:

- 1) First draft of the budget
- 2) Options for additional police service, scheduling, data, and cost-sharing alternatives.
- 3) Options for Public Works staff support for both long and short-term, part-time vs. full-time or contract services.
- 4) How much did the City save this year by not being fully staffed.
- 5) Prioritizing public building repairs.
- 6) Comprehensive staffing plan.
- 7) Integrate water line replacement into the Stormwater project scheduled this summer.
- 8) Long-term planning for grants and energy independence options.

X. REQUEST FOR FUTURE AGENDA ITEMS

XI. ADJOURNMENT

Meeting adjourned at 4:45pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Susan Rotwein
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

1. Financial Status Reports for April 2018.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 4/1/2018 Through 4/30/2018

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Revenue				
41010	PROPERTY TAX - SECURED	0.00	45,716.95	90,000.00 (49.20)%
41020	PROPERTY TAX - UNSECURED	0.00	3,075.34	3,300.00 (6.81)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	28.84	50.00 (42.32)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	439.38	600.00 (26.77)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	95.59	200.00 (52.20)%
41070	PROPERTY TAX - FINES	0.00	547.26	0.00 0.00%
41071	MOTOR VEHICLES	0.00	0.00	1,000.00 100.00%
41110	PROPERTY TAX EXEMPTION	0.00	579.10	1,300.00 (55.45)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	965.94	1,600.00 (39.63)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	2,405.45	2,000.00 20.27%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	(1,137.00)	(1,500.00) (24.20)%
41200	LAFCO Charge	0.00	(452.93)	(1,750.00) (74.12)%
41220	IN LIEU VLF	0.00	14,882.00	28,600.00 (47.97)%
42000	SALES & USE TAX	16,090.43	170,954.65	240,000.00 (28.77)%
43000	TRANSIENT LODGING TAX	16,343.11	102,902.97	150,000.00 (31.40)%
43100	TRANSIENT LODGING TAX-TBID	0.00	0.00	(15,600.00) 100.00%
46000	GRANT INCOME	0.00	40,465.00	100,000.00 (59.53)%
46100	Measure Z Grant Income	0.00	0.00	75,000.00 100.00%
47310	VEHICLE LICENSE COLLECTION	0.00	194.31	0.00 0.00%
47650	RECYCLING REVENUE	0.00	532.95	0.00 0.00%
49090	DONATIONS/FUNDRAISING/GRANTS	0.00	5,000.00	0.00 0.00%
53010	COPY MACHINE FEE	3.00	76.30	50.00 52.60%
53020	INTEREST INCOME	2,262.31	7,129.88	5,000.00 42.60%
53090	OTHER MISCELLANEOUS INCOME	344.99	3,137.57	1,000.00 213.76%
54020	PLANNER- APPLICATION PROCESSIN	7,041.85	13,658.65	8,000.00 70.73%
54050	BLDG.INSP-APPLICATION PROCESSI	5,264.88	18,079.87	9,000.00 100.89%
54100	ANIMAL LICENSE FEES	0.00	60.00	200.00 (70.00)%
54150	BUSINESS LICENSE TAX	40.00	18,172.00	7,500.00 142.29%
54170	VDU License Fee (Vacation Dwelling Unit)	0.00	0.00	9,000.00 100.00%
54300	ENCROACHMENT PERMIT FEES	0.00	150.00	400.00 (62.50)%
56400	RENT - VERIZON	2,279.87	22,292.12	24,000.00 (7.12)%
56500	RENT - HARBOR LEASE	5,100.00	15,070.00	5,135.00 193.48%
56550	RENT - PG& E	9,165.97	9,165.97	9,500.00 (3.52)%
56650	RENT - SUDDENLINK	1,640.97	4,984.44	3,800.00 31.17%
56700	RENT - TOWN HALL	1,060.00	4,932.00	7,000.00 (29.54)%
57200	Water Sales - Wholesale	0.00	720.00	0.00 0.00%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	100,000.00 100.00%
	Total Revenue	<u>66,637.38</u>	<u>504,824.60</u>	<u>864,385.00 (41.60)%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 4/1/2018 Through 4/30/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	200.00	2,000.00	3,500.00	42.86%
61000	EMPLOYEE GROSS WAGE	8,409.96	89,031.32	106,719.00	16.57%
61470	FRINGE BENEFITS	46.16	507.76	600.00	15.37%
65100	DEFERRED RETIREMENT	911.30	9,758.39	11,345.00	13.99%
65200	MEDICAL INSURANCE AND EXPENSE	1,051.29	11,768.86	13,099.00	10.15%
65250	Health Savings Program	183.26	270.75	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	3,318.45	3,415.00	2.83%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	144.81	500.00	71.04%
65600	PAYROLL TAX	701.52	7,559.23	9,032.00	16.31%
65800	Grant Payroll Allocation	(533.98)	(1,828.98)	(1,880.00)	2.71%
68090	CRIME BOND	0.00	487.50	520.00	6.25%
68200	INSURANCE - LIABILITY	0.00	10,645.70	11,050.00	3.66%
68300	PROPERTY & CASUALTY	0.00	4,156.10	4,875.00	14.75%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	7,953.00	10,000.00	20.47%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71160	ACCOUNTING	0.00	798.23	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	2,494.75	3,000.00	16.84%
71300	CITY PLANNER-MEETINGS	0.00	3.50	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	5,910.00	58,875.78	48,000.00	(22.66)%
71410	BLDG INSPECTOR-ADMIN TASKS	1,280.00	9,865.00	6,000.00	(64.42)%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	10,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	2,144.89	12,913.59	14,500.00	10.94%
71620	AUDITOR-FINANCIAL REPORTS	0.00	13,498.55	15,000.00	10.01%
72000	CHAMBER OF COMMERCE	1,497.14	1,497.14	16,800.00	91.09%
72100	BAD DEBTS	0.00	73.49	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	127.00	4,342.75	3,000.00	(44.76)%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	500.00	0.00%
75170	RENT	750.00	7,500.00	9,000.00	16.67%
75180	UTILITIES	1,695.50	11,190.31	7,875.00	(42.10)%
75190	DUES & MEMBERSHIP	285.00	335.00	1,000.00	66.50%
75200	MUNICIPAL/UPDATE EXPENSE	750.78	3,802.78	4,000.00	4.93%
75220	OFFICE SUPPLIES & EXPENSE	250.30	4,494.53	6,000.00	25.09%
75240	BANK CHARGES	30.00	40.00	200.00	80.00%
75300	CONTRACTED SERVICES	0.00	66.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	15.00	1,055.51	0.00	0.00%
76110	TELEPHONE	136.99	2,230.22	1,800.00	(23.90)%
76130	CABLE & INTERNET SERVICE	281.90	2,806.10	3,500.00	19.83%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	73.50	525.00	500.00	(5.00)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	267.81	1,500.00	82.15%
96200	TRANSFER OUT	0.00	84,525.00	0.00	0.00%
	Total Expense	<u>26,197.51</u>	<u>369,473.93</u>	<u>336,450.00</u>	<u>(9.82)%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 4/1/2018 Through 4/30/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	546.84	5,313.98	5,376.00	1.15%
65100	DEFERRED RETIREMENT	36.74	369.67	228.00	(62.14)%
65200	MEDICAL INSURANCE AND EXPENSE	0.24	1.44	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	153.86	172.00	10.55%
65600	PAYROLL TAX	44.83	436.80	429.00	(1.82)%
75170	RENT	750.00	7,500.00	9,000.00	16.67%
75180	UTILITIES	108.27	1,585.30	1,050.00	(50.98)%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	244,027.50	100.00%
75350	ANIMAL CONTROL	120.00	1,122.00	1,500.00	25.20%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	91.23	908.24	1,200.00	24.31%
	Total Expense	<u>1,698.15</u>	<u>17,391.29</u>	<u>264,482.50</u>	<u>93.42%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 4/1/2018 Through 4/30/2018

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	150.00	1,500.00	1,800.00	16.67%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	3,668.00	0.00	0.00%
75180	UTILITIES	55.05	489.19	500.00	2.16%
75190	DUES & MEMBERSHIP	0.00	190.00	250.00	24.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	73,762.70	75,000.00	1.65%
76110	TELEPHONE	76.57	634.76	1,000.00	36.52%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	111.44	350.00	68.16%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	6.59	1,000.00	99.34%
78190	MATERIALS, SUPPLIES & EQUIPMEN	115.79	958.51	2,500.00	61.66%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
Total Expense		<u>397.41</u>	<u>81,321.19</u>	<u>87,300.00</u>	<u>6.85%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 4/1/2018 Through 4/30/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	6,389.62	65,048.14	85,557.00	23.97%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	767.30	7,632.20	10,492.00	27.26%
65200	MEDICAL INSURANCE AND EXPENSE	3,415.73	27,066.05	35,452.00	23.65%
65250	Health Savings Program	422.06	566.74	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	214.22	2,798.00	92.34%
65600	PAYROLL TAX	534.78	5,534.53	7,491.00	26.12%
65800	Grant Payroll Allocation	(3,543.13)	(17,355.24)	(43,000.00)	59.64%
71210	CITY ENGINEER-ADMIN. TASKS	1,232.50	39,523.11	34,000.00	(16.24)%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	62.91	0.00	0.00%
75150	PROPERTY TAX	0.00	15.00	0.00	0.00%
75180	UTILITIES	0.00	36.11	0.00	0.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,400.00	100.00%
75300	CONTRACTED SERVICES	0.00	8,414.85	70,525.00	88.07%
75370	UNIFORMS/PERSONAL EQUIP.	249.23	249.23	450.00	44.62%
78100	STREET MAINT/REPAIR/SANITATION	558.10	7,029.24	5,000.00	(40.58)%
78120	STREET LIGHTING	354.56	3,828.20	4,500.00	14.93%
78130	TRAIL MAINTENANCE	51.66	855.26	3,500.00	75.56%
78140	VEHICLE FUEL & OIL	329.64	3,561.21	4,000.00	10.97%
78150	VEHICLE REPAIRS	0.00	1,587.80	2,500.00	36.49%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	5,898.86	5,000.00	(17.98)%
78170	SECURITY SYSTEM	0.00	463.50	500.00	7.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	944.63	11,945.83	13,000.00	8.11%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
96100	TRANSFER IN	0.00	(84,525.00)	0.00	0.00%
	Total Expense	<u>11,706.68</u>	<u>87,652.75</u>	<u>249,665.00</u>	<u>64.89%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 4/1/2018 Through 4/30/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
46000	GRANT INCOME	0.00	5,000.00	0.00	0.00%
47650	RECYCLING REVENUE	0.00	1,337.53	10,500.00	(87.26)%
56150	FRANCHISE FEES	1,775.43	6,129.29	6,000.00	2.15%
	Total Revenue	<u>1,775.43</u>	<u>12,466.82</u>	<u>16,500.00</u>	<u>(24.44)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	936.27	9,674.16	10,921.00	11.42%
65100	DEFERRED RETIREMENT	112.32	1,117.74	1,386.00	19.35%
65200	MEDICAL INSURANCE AND EXPENSE	409.21	4,068.13	5,614.00	27.54%
65250	Health Savings Program	68.56	95.05	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	326.94	369.00	11.40%
65600	PAYROLL TAX	78.12	821.10	989.00	16.98%
75130	GARBAGE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	<u>1,604.48</u>	<u>16,103.12</u>	<u>20,979.00</u>	<u>23.24%</u>
	Net Income	<u>170.95</u>	<u>(3,636.30)</u>	<u>(4,479.00)</u>	<u>(18.81)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 4/1/2018 Through 4/30/2018

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget	
Revenue					
53020	INTEREST INCOME	0.00	0.00	1,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,000.00	(100.00)%
57100	WATER SALES	28,227.47	270,063.57	295,000.00	(8.45)%
57200	Water Sales - Wholesale	720.00	5,040.00	5,000.00	0.80%
57300	NEW WATER HOOK UPS	0.00	10,900.00	1,000.00	990.00%
57500	WATER A/R PENALTIES	(3,037.89)	(221.63)	1,000.00	(122.16)%
	Total Revenue	<u>25,909.58</u>	<u>285,781.94</u>	<u>305,000.00</u>	<u>(6.30)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	4,355.96	74,975.81	94,359.00	20.54%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	508.72	8,684.97	11,333.00	23.37%
65200	MEDICAL INSURANCE AND EXPENSE	3,104.84	31,421.49	40,384.00	22.19%
65250	Health Savings Program	460.38	649.03	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	2,879.00	3,078.00	6.47%
65600	PAYROLL TAX	363.00	6,358.70	8,225.00	22.69%
68090	CRIME BOND	0.00	262.50	280.00	6.25%
68200	INSURANCE - LIABILITY	0.00	5,732.30	6,125.00	6.41%
68300	PROPERTY & CASUALTY	0.00	2,237.90	2,625.00	14.75%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71160	ACCOUNTING	0.00	429.82	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	703.71	6,502.25	6,500.00	(0.03)%
71620	AUDITOR-FINANCIAL REPORTS	0.00	7,268.45	7,000.00	(3.84)%
72100	BAD DEBTS	0.00	68.51	350.00	80.43%
75180	UTILITIES	897.59	9,849.99	13,000.00	24.23%
75190	DUES & MEMBERSHIP	0.00	1,275.14	1,000.00	(27.51)%
75220	OFFICE SUPPLIES & EXPENSE	70.00	2,576.58	3,000.00	14.11%
75240	BANK CHARGES	0.00	20.00	100.00	80.00%
75280	TRAINING / EDUCATION	250.00	1,546.04	500.00	(209.21)%
75300	CONTRACTED SERVICES	0.00	7,708.30	15,000.00	48.61%
76110	TELEPHONE	52.31	1,165.86	1,800.00	35.23%
76130	CABLE & INTERNET SERVICE	61.95	619.50	750.00	17.40%
76160	LICENSES & FEES	0.00	2,423.70	4,500.00	46.14%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	359.08	1,500.00	76.06%
78150	VEHICLE REPAIRS	0.00	217.73	2,000.00	89.11%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	153.37	1,000.00	84.66%
78170	SECURITY SYSTEM	183.00	542.87	500.00	(8.57)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,723.56	12,000.00	85.64%
78200	EQUIPMENT REPAIRS & MAINTENANC	7,976.00	8,418.00	1,000.00	(741.80)%
79100	WATER LAB FEES	0.00	4,415.00	4,000.00	(10.38)%
79120	WATER PLANT CHEMICALS	775.00	4,780.18	7,500.00	36.26%
79130	WATER LINE HOOK-UPS	0.00	10,900.00	1,000.00	(990.00)%
79150	WATER LINE REPAIR	25.98	10,071.90	15,000.00	32.85%
79160	WATER PLANT REPAIR	0.00	2,895.85	8,000.00	63.80%
90000	Capital Reserves	0.00	0.00	20,000.00	100.00%
	Total Expense	<u>19,788.44</u>	<u>219,133.38</u>	<u>300,509.00</u>	<u>27.08%</u>
	Net Income	<u>6,121.14</u>	<u>66,648.56</u>	<u>4,491.00</u>	<u>1,384.05%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 4/1/2018 Through 4/30/2018

<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
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City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 4/1/2018 Through 4/30/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	0.00	3,712.50	9,500.00	(60.92)%
58150	Cemetery Plot Refunds	0.00	(2,152.50)	0.00	0.00%
	Total Revenue	<u>0.00</u>	<u>1,560.00</u>	<u>9,500.00</u>	<u>(83.58)%</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	1,044.99	11,956.11	13,685.10	12.63%
65100	DEFERRED RETIREMENT	125.40	1,382.68	1,748.42	20.92%
65200	MEDICAL INSURANCE AND EXPENSE	513.73	5,097.89	6,920.46	26.34%
65250	Health Savings Program	85.74	118.43	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	412.53	466.25	11.52%
65600	PAYROLL TAX	87.54	1,015.24	1,248.38	18.68%
75180	UTILITIES	45.23	512.19	750.00	31.71%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	<u>1,902.63</u>	<u>20,495.07</u>	<u>25,318.61</u>	<u>19.05%</u>
	Net Income	<u>(1,902.63)</u>	<u>(18,935.07)</u>	<u>(15,818.61)</u>	<u>19.70%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

2. Staff Activity Report for May 2018

NO SUPPORTING DOCUMENTS WERE SUBMITTED FOR THIS ITEM



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGE

3. Law Enforcement Report – May 2018

**ACTIVITY REPORT
TRINIDAD
BY DEPUTY LUKE MATHIESON**

05/01/2018 – 05/31/2018

- Regular patrols at Hidden Creek. Continuing to address the problems within the park.
- Conducted numerous vehicle investigations and citizen contacts.
- Worked with casino regarding ongoing issues and locating/arresting wanted persons.
- Conducted regular patrols for subject(s) sleeping at night outside of the library.
- Conducted proactive searches of the wood areas around Trinidad area to prevent homeless camps
- Allegations of possible child abuse at 473 Quarry Road, None of the involved parties were willing to cooperate with the investigation
- Vehicle burglary on Scenic Drive at Baker Beach, No suspect information
- Conducted a traffic stop at Main Street and Scenic Drive, driver was found to be driving on a suspended driver's license, citation issued
- Investigated a Child Welfare cross report for possible emotional abuse to a 14 year old boy on Fox Farms Road. Report taken, allegation are inconclusive
- Conducted a traffic stop at Chevron in Trinidad, driver was found to be driving without a license, citation issued
- Investigated a Child Welfare cross report on Patrick's Point Drive, allegations of emotional and physical abuse, allegations were deemed unfounded
- Responded to a physical altercation at Wa-Ray Lane, one subject was found to have warrants for his arrest, stolen vehicle was recovered. One male subject placed under arrest
- Conducted a traffic stop on Scenic Drive just south of Langford Drive, driver was found to be driving without a license, citation issued
- Illegal camper was located in the wood area across from Trinidad Cemetery, subject was moved along and citation issued
- Investigated a suspicious vehicle parked in front of Ocean Grove, license plate attached to vehicle was reported stolen, two subjects were contacted and discovered to have warrants for their arrest, two grams of heroin seized during investigation, two subjects placed under arrest
- Investigated a suspicious vehicle on Moonstone Crossing Road, vehicle was discovered to be associated with a missing person, search and rescue searched the area and located the missing person deceased, Coroner deem death was a suicide



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 18 PAGES

4. Approve Resolution 2018-06; Authorizing the City Manager to sign a USDA SEARCH Grant Agreement

CONSENT AGENDA ITEM

Date: June 14, 2018

Item: APPROVE RESOLUTION 2018-06 AUTHORIZING THE CITY MANAGER TO SIGN A USDA GRANT AGREEMENT TO REIMBURSE CITY COSTS ASSOCIATED WITH THE PHASE II STORMWATER PROJECT

Summary:

This Resolution authorizes the City Manager to sign a grant agreement with the USDA that will reimburse the City for \$26,000 that was expended on a Project Engineering Report (PER) for the Stormwater Phase II project. The Project will construct stormwater infrastructure that will eliminate the City's direct stormwater discharge to Trinidad Bay by infiltrating and treating the storm water runoff.

The City is working with the US Department of Agriculture on a larger grant/loan application to provide the 10% match that is required with our \$5 million-dollar State Water Board grant. That USDA application process requires a Project Engineering Report (PER) to their specifications, and they offer a separate grant program to reimburse the City for the PER costs. The City has completed the PER, and this resolution authorizing the City Manager to sign a grant agreement with USDA is a necessary step towards the City receiving reimbursement for this cost.

Background:

The State Water Resources Control Board (SWRCB) originally awarded \$4 million in Prop 1 Storm Water Grant Program (SWGP) funds for the Storm Water Management Improvement Project. The City has a pending request for an additional \$800,000. SWGP funding requires the City to provide a minimum 10% match of the total project costs, approximately \$550,000. This is a significant challenge for a small City such as Trinidad. However, by eliminating the discharge, the City would no longer be regulated through MS4 permit coverage. The ASBS Special Protections require the City to eliminate all polluted storm water discharges to the ASBS.

The City is continuing to work with the US Department of Agriculture (USDA) to secure the \$550,000 in Project match funding. The City began the USDA grant/loan application process in March 2017. The USDA grant/loan application includes submission of a PER and a National Environmental Protection Act environmental assessment (NEPA EA). Staff submitted a SEARCH grant application for \$26,000 for the PER in June 2017. USDA has sent a Letter of Conditions, and the City has signed a letter of intent and a request to obligate \$26,000 in grant funds for the PER. The next step is passing a resolution authorizing the City Manager to enter into the grant agreement.

Completion of the NEPA EA is the final document needed to submit the USDA grant/loan application for the Storm Water Project Phase II match.

Staff Recommendation:

Adopt Resolution 2018-06, authorizing the City Manager to sign a USDA SEARCH Grant Agreement for \$26,000.

Attachments:

- Resolution 2017-06
- USDA Rural Utility Service Water and Waste System Grant Agreement
- USDA SEARCH Grant Letter of Conditions

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570

(707) 677-0223

Susan Rotwein, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2018-06

AUTHORIZING THE CITY MANAGER TO ENTER INTO A USDA RUS GRANT AGREEMENT

WHEREAS, the City of Trinidad desires to use use grant and match funds to construct City infrastructure improvements to eliminate the City's direct storm water discharge to the Trinidad Head ASBS and promote adoption of practices to reduce storm water pollution and conserve water. This multi-benefit storm water management project will address environmental habitat protection of the ASBS, provide increased infiltration and treatment of storm water runoff, and provide benefits to the public and the community through improved ocean and beach water quality, a healthier marine ecosystem, enhanced public use areas, and contributing to the sustainability of the local fisheries and coastal dependent community; and

WHEREAS, on June 8, 2016 the Council authorized staff to prepare and submit a funding proposal for the Project to the State Water Board for a total project cost of approximately \$5 million, including a 10% funding match of non-State funds to be provided by the City; and

WHEREAS, on March 22, 2017, the Council authorized the City Manager to apply for loan and/or grant funds from the US Department of Agriculture on behalf of the City to finance the 10% match required for the Storm Water Phase II Project; and

WHEREAS, the larger USDA grant/loan application process required a Project Engineering Report (PER) be developed, and provided a SEARCH grant opportunity to pay for the PER; and

WHEREAS, the City has completed the PER and has successfully applied for the SEARCH grant to reimburse the City for the PER in the amount of \$26,000; and

WHEREAS, a Council Resolution authorizing staff to sign the final SEARCH Grant Agreement is required in order for the City to receive the grant funds for the PER report

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, AS FOLLOWS:

The CITY MANAGER (the "Authorized Representative") or designee is hereby authorized and directed to sign the RUS Bulletin 1780-12 United States Department of Agriculture Rural Utilities Service Water and Waste System Grant Agreement for a sum not to exceed \$26,000 for the development of the Project Engineering Report for the Stormwater System Replacement Project. This Authorized Representative, or his/her designee, is designated to meet the conditions set forth in the May 23, 2018 USDA Letter of Conditions.

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 14th day of June, 2018.

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Trinidad City Council, held on June 14, 2018, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Susan Rotwein
Mayor

Water and Waste System Grant Agreement

United States Department of Agriculture

Rural Utilities Service

THIS AGREEMENT dated 5/29/2018, between

Trinidad, City of

a public corporation organized and operating under

(Authorizing Statute)

herein called "Grantee," and the United States of America acting through the Rural Utilities Service, Department of Agriculture, herein called "Grantor," WITNESSETH:

WHEREAS

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (waste) system to serve the area under its jurisdiction at an estimated cost of \$ 26,000.00 and has duly authorized the undertaking of such project.

Grantee is able to finance not more than \$ 0.00 of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of \$ 0.00 has been committed to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed \$ 26,000.00 or 100.00 percent of said project development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the Conditions of the grant.

As a condition of this grant agreement, the Grantee assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated into this agreement by reference, and such other statutory provisions as are specifically set forth herein.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a) of The Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed 100.00 percent of the project development costs, as defined by applicable Rural Utilities Service instructions.

Grantee Agrees That Grantee Will:

A. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any modifications thereof prepared by Grantee and approved by Grantor.

B. Permit periodic inspection of the construction by a representative of Grantor during construction.

C. Manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

D. Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (possess capacity to enter into legal contract for services) at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated _____, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter, Grantee may make such modifications to the rate system as long as the rate schedule remains reasonable and nondiscriminatory.

E. Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

F. Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

G. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a representative of the Grantor.

H. To execute any agreements required by Grantor which Grantee is legally authorized to execute. If any such agreement has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another agreement of the same type need not be executed in connection with this grant.

I. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will repay to Grantor forthwith the original principal amount of the grant stated herein above with the interest at the rate of 5 percentum per annum from the date of the default. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

J. Return immediately to Grantor, as required by the regulations of Grantor, any grant funds actually advanced and not needed by Grantee for approved purposes.

K. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

1. Title to real property shall vest in the recipient subject to the condition that the Grantee shall use the real property for the authorized purpose of the original grant as long as needed.

2. The Grantee shall obtain approval by the Grantor agency for the use of the real property in other projects when the Grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs or programs that have purposes consistent with those authorized for support by the Grantor.

3. When the real property is no longer needed as provided in 1 and 2 above, the Grantee shall request disposition instructions from the Grantor agency or its successor Federal agency. The Grantor agency shall observe the following rules in the disposition instructions:

(a) The Grantee may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(b) The Grantee may be directed to sell the property under guidelines provided by the Grantor agency. When the Grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

[Revision 1, 04/17/1998]

(c) The Grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

L. Abide by the following conditions pertaining to equipment which is furnished by the Grantor or acquired wholly or in part with grant funds. Equipment means tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.
[Revision 1, 04/17/1998]

1. Use of equipment.

(a) The Grantee shall use the equipment in the project for which it was acquired as long as needed. When no longer needed for the original project, the Grantee shall use the equipment in connection with its other Federally sponsored activities, if any, in the following order of priority:

1) Activities sponsored by the Grantor.

(2) Activities sponsored by other Federal agencies.

(b) During the time that equipment is held for use on the property for which it was acquired, the Grantee shall make it available for use on other projects if such other use will not interfere with the work on the project for which the equipment was originally acquired. First preference for such other use shall be given to Grantor sponsored projects. Second preference will be given to other Federally sponsored projects.

2. Disposition of equipment. When the Grantee no longer needs the equipment as provided in paragraph (a) above, the equipment may be used for other activities in accordance with the following standards:

(a) Equipment with a current per unit fair market value of less than \$5,000. The Grantee may use the equipment for other activities without reimbursement to the Federal Government or sell the equipment and retain the proceeds.

(b) Equipment with a current per unit fair market value of \$5,000 or more. The Grantee may retain the equipment for other uses provided that compensation is made to the original Grantor agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value or proceeds from sale of the equipment. If the Grantee has no need for the equipment and the equipment has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

The Grantor agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Grantor agency to determine whether a requirement for the equipment exists in other Federal agencies. The Grantor agency shall issue instructions to the Grantee no later than 120 days after the Grantee requests and the following procedures shall govern:

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the equipment and reimburse the Grantor agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share ten percent of the proceeds for Grantee's selling and handling expenses.

(2) If the Grantee is instructed to ship the equipment elsewhere the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the Grantee is instructed to otherwise dispose of the equipment, the Grantee shall be reimbursed by the Grantor agency for such costs incurred in its disposition.

3. The Grantee's property management standards for equipment shall also include:

(a) Records which accurately provide for: a description of the equipment; manufacturer's serial number or other identification number; acquisition date and cost; source of the equipment; percentage (at the end of budget year) of Federal participation in the cost of the project for which the equipment was acquired; location, use and condition of the equipment and the date the information was reported; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(b) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current utilization, and continued need for the equipment.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(e) Proper sales procedures shall be established for unneeded equipment which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described equipment(use continuation sheets as necessary).

M. Provide Financial Management Systems which will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.
2. Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
3. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
4. Accounting records supported by source documentation.

N. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm or photo copies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's government which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts and transcripts.

O. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

P. Provide an audit report prepared in accordance with Grantor regulations to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this Agreement.

Q. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies or instrumentality's of states shall not be held accountable for interest earned on grant funds pending their disbursement.

R. Not encumber, transfer or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in item K above.

S. To include in all contracts for construction or repair a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

T. To include in all contracts in excess of \$100,000 a provision that the contractor agrees to comply with all the requirements of the Clean Air Act (42 U.S.C. §7414) and Section 308 of the Water Pollution Control Act (33 U.S.C. §1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. In so doing the Contractor further agrees:

[Revision 1, 11/20/1997]

1. As a condition for the award of contract, to notify the Owner of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

2. To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities pursuant to 40 CFR Part 32 as of the date of contract award.

[Revision 1, 11/20/1997]

3. To include or cause to be included the above criteria and the requirements in every nonexempt subcontract and that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

As used in these paragraphs the term "facility" means any building, plan, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a Grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operation contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

Grantor Agrees That It:

A. Will make available to Grantee for the purpose of this Agreement not to exceed \$ 26,000.00 which it will advance to Grantee to meet not to exceed 100.00 percent of the project development costs of the project in accordance with the actual needs of Grantee as determined by Grantor.

B. Will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans for sewer and water and with any State or area plans for the area in which the project is located.

C. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (1) advisable to further the purpose of the grant or to protect Grantor's financial interest therein and (2) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Termination of This Agreement

This Agreement may be terminated for cause in the event of default on the part of the Grantee as provided in paragraph I above or for convenience of the Grantor and Grantee prior to the date of completion of the grant purpose. Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds.

In witness whereof Grantee on the date first above written has caused these presence to be executed by its duly authorized

attested and its corporate seal affixed by its duly authorized

Attest:

By _____

(Title) _____

By _____

(Title) _____

UNITED STATES OF AMERICA

RURAL UTILITIES SERVICE

By _____

(Title)



Rural Development

May 23, 2018

Santa Rosa Field
Office

777 Sonoma Ave
Santa Rosa, CA
95404

Voice 707.536.0248
Fax 844.206.7011

Mr. Bryan Buckman
City of Trinidad
Trinidad, CA 95570

SUBJECT: Recipient Name: Trinidad, City of
Project Name: Stormwater System Replacement
CFDA Number: 10.760

Dear Mr. Buckman

This letter establishes conditions which must be understood and agreed to by the City of Trinidad (recipient), before further consideration may be given to the application. The application can be processed on the basis of a USDA Rural Development grant not to exceed \$26,000. The grant will be administered on behalf of the Rural Utilities Service (RUS) by the State and Area staff of USDA Rural Development, both of which are referred to throughout this letter as the Agency. Any changes in project cost, source of funds, scope of project, or any other significant changes in the project or recipient must be reported to and concurred with by the Agency by written amendment to this letter. If significant changes are made without obtaining such concurrence, the Agency may discontinue processing of the application.

All conditions set forth under Sections I - III must be met prior to construction and no later than one year from the date of this letter. If the recipient has not met these conditions, the Agency reserves the right to discontinue the processing of the application.

If the recipient agrees to meet the conditions set forth in this letter and desire further consideration be given to the application, please complete and return the following forms within 10 days:

Form RD 1942-46, "Letter of Intent to Meet Conditions"
Form RD 1940-1, "Request for Obligation of Funds"

The grant will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds," is signed by the approving official. Please be advised that this letter in itself does not constitute loan and/or grant approval, nor does it ensure that funds are or will be available for the project. After the recipient signs and returns the form to the Agency, the request will be processed and the grant funds will be approved and obligated.

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-8410, by fax (202) 690-7442 or email at program.intake@usda.gov.

The grant approval conditions are as follows:

SECTION I - PROJECT DETAIL

1. Project Description – Funds will be used to prepare a Preliminary Engineering Report (PER) for the replacement of the city’s stormwater system.

Engineering studies will be prepared in accordance with sound engineering practices and must meet the requirements of Federal, State, and local agencies. The proposed PER must be prepared with the agency’s format and requirements and concurred with by the Agency. The PER will be prepared by GHD Engineering.

Owner Performed Services are not allowed for this grant.

2. Project Budget – Funding from all sources has been budgeted for the estimated expenditures as follows:

<u>Project Costs:</u>	<u>Total Budgeted:</u>
Preliminary Engineering Report	\$26,000
<u>Project Funding</u>	
Recipient Contribution -	\$0
Other Funding -	\$0
USDA Loan -	\$0
USDA Grant -	\$26,000
TOTAL	\$26,000

This funding is offered based on the amounts stated above. Prior to grant closing, any increase in non-Agency funding will be applied first as a reduction to Agency grant funds, up to the total amount of the grant, and then as a reduction to Agency loan funds.

Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the Owner may be necessary.

Agency funds will not be used to pre-finance funds committed to the project from other sources.

Obligated grant funds not needed to complete the proposed project will be de-obligated. Any reduction will be applied to grant funds first. An amended letter of conditions will be issued for any changes to the total project budget.

SECTION II – GRANT TERMS

1. Grant Agreement -Prior to grant closing, the following must be duly adopted and executed:

- a. Grant Resolution
- b. RUS Bulletin 1780-12, "Water and Waste System Grant Agreement (as applicable)

The Grant Agreement must be fully executed prior to the first disbursement of grant funds.

4. Project Completion Timeframe - All projects must be completed and all funds disbursed within five years of obligation. If funds are not disbursed within five years of obligation, the recipient must submit to the Agency a written request for extension of time with adequate justification of circumstances beyond the recipient's control. Requests for waivers beyond the initial extension will be submitted to the Assistant Administrator for concurrence decision.

5. Disbursement of Agency Funds - Agency funds will be disbursed into the recipient's depository account through an electronic transfer system. SF 3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," must be completed and submitted to the Agency prior to advertising for bids.

Any recipient contribution will be the first funds expended, followed by other funding sources. The Grant Agreement must not be closed and funds must not be disbursed prior to loan funds except as specified in RUS Instruction 1780.45(d). In the unlikely event the Agency mistakenly disburses funds, the funds will be remitted back to the Agency electronically.

Grant funds are to be deposited in an interest-bearing account (exception provided below) in accordance with 2 CFR Part 200 and interest in excess of \$500 per year remitted to the Agency. The funds should be disbursed by the recipient immediately upon receipt and there should be little interest accrual on the Federal funds. Recipients shall maintain advances of Federal funds in interest-bearing accounts, unless:

- a. The recipient receives less than \$120,000 in Federal awards per year.
- b. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
- c. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- d. A foreign government or banking system prohibits or precludes interest-bearing accounts.

SECTION III – REQUIREMENTS DURING DESIGN AND POST DESIGN

1. **Payments** – Prior Agency concurrence is required for all Invoices submitted for payment. Requests for payment related to a contract or service agreement will be signed by the owner.
2. **Use of Remaining Funds** – The recipient contribution will be the first funds expended in the project, followed by non-Agency sources of funds. Remaining funds may be considered in direct proportion to the amounts obtained from each source and handled as follows:
 - a. Remaining funds may be used for grant purposes, provided that the funds are used to prepare the Preliminary Engineering Report.
 - b. Grant funds not expended for authorized purposes will be cancelled (de-obligated) within 60 days of the approved PER . Prior to actual cancellation, the recipient, will be notified of the Agency's intent to cancel the remaining funds and given appropriate appeal rights.
3. **Technical, Managerial and Financial Capacity** - It is required that members of the Board of Directors, City Council members, trustees, commissioners and other governing members possess the necessary technical, managerial, and financial capacity skills to consistently comply with pertinent Federal and State laws and requirements. It is recommended members receive training within one year of appointment or election to the governing board, and a refresher training for all governing members on a routine basis. The content and amount of training should be tailored to the needs of the particular individual and the utility system. Technical assistance providers are available to provide this training for the recipient, often at no cost. Contact the Agency for information.
4. **Reporting Requirements Related to Expenditure of Funds**
 - a. **Financial Audit**– An annual audit under the Single Audit Act is required if the recipient expends \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of the recipients fiscal year end.

If an audit is required, the recipient must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit to be completed, the time frame in which the audit will be completed, and how irregularities will be reported.

- b. **Reporting Subawards and Executive Compensation** – The recipient and its first-tier contractors are required by 2 CFR Part 170 to report disbursements to subrecipients in accordance with Appendix B of this letter and www.fsr.gov. The local Agency processing office can provide more information.

SECTION IV – SERVICING REQUIREMENTS DURING THE TERM OF THE GRANT

1. **Annual Financial Reporting/Audit Requirements** – The recipient is required to submit an annual financial report at the end of each fiscal year. The annual report will be certified by the appropriate organization official, and will consist of financial information and a rate schedule. Financial statements must be prepared on the accrual basis of accounting in accordance with generally accepted accounting principles (GAAP), and must include at a minimum a balance sheet and income and expense statement. The annual report will include separate reporting for each water and waste disposal facility, and itemize cash accounts by type (debt service, short-lived assets, etc.) under each facility. All records, books and supporting material are to be retained for three years after the issuance of the annual report. Technical assistance is available at no cost with preparing financial reports.

The type of financial information that must be submitted is specified below:

- a. **Audits** – An annual audit under the Single Audit Act is required if the recipient expends \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. It is not intended that audits required by this part be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work should be done in conjunction with those audits. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of the recipients fiscal year end.

If an audit is required, the recipient must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit or financial statements to be completed, the time frame in which the audit or financial statements will be completed, what type of reports will be generated from the services provided, and how irregularities will be reported.

- b. **Financial Statements** – For local governments and Indian tribes, an audit in accordance with State or local law or regulation or regulatory agency requirements must be submitted

when the recipient expends less than \$750,000 in Federal financial assistance per fiscal year. These audits shall be submitted to USDA no later than 150 days after the end of the borrower's fiscal year.

c. **Annual Reports** - If the recipient is exempt from USDA audit requirements, the recipient may submit financial statements in lieu of an audit which will include at a minimum a balance sheet and an income and expense statement. The recipient may use Form RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet," or similar format to provide the financial information. The financial statements must be signed by the appropriate borrower official and submitted within 60 days of the fiscal year end.

2. **Annual Budget and Projected Cash Flow** - Thirty days prior to the beginning of each fiscal year, the recipient will be required to submit an annual budget and projected cash flow to this office. With the submission of the annual budget, the recipient will be required to provide a current rate schedule, and a current listing of the Board or Council members and their terms. The budget must be signed by the appropriate borrower official. Form RD 442-2 or similar format may be used.

Technical assistance is available at no cost to help the recipient evaluate and complete a rate analysis on the system, as well as completing the annual budget. If the recipient is interested, please contact the local USDA Rural Development office for information.

3. **Vulnerability Assessment/Emergency Response Plan (VA/ERP)** – The recipient will be required to submit a certification to the servicing office every three years that the VA/ERP is current and covers all sites related to the facility. The documents themselves are not submitted to the Agency. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum.

4. **Insurance**. The recipient will be required to maintain insurance on the facility and employees as previously described in this letter for the life of the loan.

5. **Statutory and National Policy Requirements** – The recipient has received an award of Federal funding and is required to comply with U.S. statutory and public policy requirements, including but not limited to:

- a. **Section 504 of the Rehabilitation Act of 1973** – Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Agency financial assistance.
- b. **Civil Rights Act of 1964** – All recipients are subject to, and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and 7

CFR 1901, Subpart E, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by Paragraph 1901.202(e) of this Title.

- c. **The Americans with Disabilities Act (ADA) of 1990** – This Act (42 U.S.C. 12101 *et seq.*) prohibits discrimination on the basis of disability in employment, State and local government services, public transportation, public accommodations, facilities, and telecommunications.
- d. **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 *et seq.*) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- e. **Limited English Proficiency (LEP) under Executive Order 13166** - LEP statutes and authorities prohibit exclusion from participation in, denial of benefits of, and discrimination under Federally-assisted and/or conducted programs on the ground of race, color, or national origin. Title VI of the Civil Rights Act of 1964 covers program access for LEP persons. LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance, free of charge. The recipient must take reasonable steps to ensure that LEP persons receive the language assistance necessary to have meaningful access to USDA programs, services, and information the recipient provides. These protections are pursuant to Executive Order 13166 entitled, "Improving Access to Services by Persons with Limited English Proficiency" and further affirmed in the USDA Departmental Regulation 4330-005, "Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA."

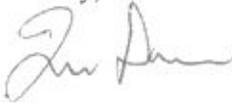
Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap. The recipient must display posters (provided by the Agency) informing users of these requirements, and the Agency will monitor the recipient's compliance with these requirements during regular compliance reviews.

9. Compliance Reviews and Data Collection – The Agency will conduct compliance reviews of the applicant and its operation in accordance with 7 CFR Part 1901, Subpart E, and 36 CFR 1191, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines. Compliance reviews will typically be conducted in conjunction with the security inspections described in this letter. If beneficiaries (users) are required to complete an application or screening for the use of the facility or service that the recipient provides, the recipient must request and collect data by race (American Indian or Alaska Native, Asian, Black or African American, White); ethnicity (Hispanic or Latino, Not Hispanic or Latino); and by sex. The Agency will utilize this data as part of the required compliance review.

We look forward to working with the City of Trinidad to complete this project. Non-compliance with the conditions in this letter or requirements of the recipient security documents will be addressed under the provisions of 7 CFR 1782 and other applicable regulations, statutes, and policies.

If there are any questions, please contact me at 707-536-0248 or by e-mail at quinn.donovan@ca.usda.gov.

Sincerely,



Quinn P. Donovan
Area Specialist

Attachments

cc: Water Programs Director



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

5. Amendment to Consultant Agreements for Services for Ocean Protection Council Citywide LID Grant Project.

CONSENT AGENDA ITEM

Date: June 14, 2018

Item: AMENDMENTS TO CONSULTANT AGREEMENTS FOR SERVICES FOR OCEAN PROTECTION COUNCIL CITYWIDE LID GRANT PROJECT.

Summary: The Ocean Protection Council (OPC) recently approved the City's request for \$77,150 in additional Proposition 1 grant funds for the Citywide Low Impact Development Project to cover increased construction costs and developing additional information for the groundwater and bluff stability analysis. The OPC also approved reimbursement for \$2,600 in costs under the September 2017 GHD groundwater monitoring scope. Staff recommends amending the consultant Agreements for Services for GHD and SHN to address approved revisions to the grant budget and work plan.

Background: The City began work on the Citywide Low Impact Development (LID) Planning and Construction Project in November 2016. The two major goals of the project are 1) to reduce the quantity of polluted runoff discharging into Trinidad Bay through construction of LID improvements to the storm drainage system; and 2) to develop bluff protection policies and zoning to guide development and to avoid additional impacts to the bluff, which address issues raised by the Tsurai Management Group, recommendations from the Tsurai Management Plan and the more recent 2016-17 storm damages.

Amendment 1 to the Agreement Services with GHD Inc. is to include groundwater level monitoring and reporting, project redesign, a second bid solicitation, and updating the groundwater technical memorandum to address bluff stability and the 2016-17 storm damages. The Public Education & Outreach Tasks have been removed. The original GHD budget of \$133,500 will increase by \$60,585 for a total of \$194,085.

Amendment 1 to the Agreement for Services with SHN is to include Construction Management Services for the Hector Street Raingarden landscaping; to increase the LID Zoning and Restoration Policy budget and to eliminate the outstanding Ocean Friendly Gardening and Education and Outreach tasks. There is no change in the total SHN budget.

The cost for the contracted services will be reimbursed through the Ocean Protection Council Proposition 1 Program Grant Agreement No. P01-1-02 Amendment 1.

Staff Recommendation:

1) Authorize City Manager to sign the Amendments to the scopes of services with GHD and SHN.

Attachments:

- Project Scope of Services Amendment 1 for GHD
- Project Scope of Services Amendment 1 for SHN

**Amendment to
Agreement for Services between City of Trinidad**

and SHN Consulting Engineers & Geologists, Inc. (formerly Streamline Planning Consultants)

Amendment No. 1 to the Agreement for Services approved on March 8, 2017.

Project: Trinidad Citywide LID Planning and Construction Project

SCOPE & DELIVERABLES

The City requests and authorizes SHN to perform additional and revised services as set forth in this agreement. The tasks align with those included in the City's Amended Grant Agreement, as described in the OPC Amended Work Plan, attached hereto as Exhibit C.

Task 2.2 Construction Management

This task will include activities associated with installation of the Hector Street Landscaping following completion of the raingarden construction: assistance with coordination of volunteer planting event, acquisition of landscaping materials and plants, supervision of site preparation, installation, Ocean Friendly Gardening volunteers, inspection of completed work and plant establishment follow-up.

Task 5b: Public Outreach and Education

The Public Outreach and Education tasks have been removed from the project except for participating in several coordination meetings.

Compensation

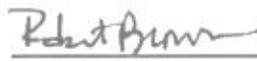
Task	Task Description	Schedule	Original Fee	Revised Fee
Task 2	Construction Management - Landscaping	May 2018 - Apr 2018	\$0	\$3731
Task 3	LID Guidance Ocean Friendly Gardening	April - Dec 2017	\$750	\$180
Task 4	LID Zoning and Restoration Policy	Nov 2016 - Apr 2019	\$3,500	\$5000
Task 5	Public Outreach and Education	Mar 2017-June 2019		
Task 5.3.1	Removed -TBWC Meeting		\$300	\$0
Task 5.3.2	Meeting Updates -Complete		\$400	\$289
Task 5.3.3	Removed -Workshop 1		\$1000	\$0
Task 5.3.4	Removed -Workshop 2		\$1000	\$0
Task 5.3.5	Removed -Workshop 3		\$1750	\$0
Task 5.3.6	Removed -Fish Festival Tabling		\$500	\$0
	Total:		\$9,200	\$9,200

All provisions specified in the Scope of Services Agreement approved on March 8, 2017 are in effect.

Agreed

Daniel Berman
Trinidad City Manager

Date



Robert Brown
SHN (formerly Streamline Planning Consultants)

5/31/2018
Date



**Amendment 1 to
Agreement between Client and Consultant**

Amendment No. 1 to Scope of Services Agreement approved on November 8, 2016 between GHD Inc. and City of Trinidad (Client).

Project: Trinidad Citywide LID Planning and Construction Project

Client hereby requests and authorizes Consultant to perform additional and/or revised services as set forth in this Amendment.

Scope of services as set forth below.

Budget adjustments to provide additional effort for the following scope of services:

Task 1: An additional \$9,000 for the project monitoring line item. The requested budget is for synthesizing and reporting the data (\$8000), and related project management through the extension of the grant term (\$1,000).

Task 2: An additional \$34,445 to redesign some project components, to rebid the project in 2018, and for the construction management line item to complete the project in 2018.

Task 3: Reduce the budget by \$553 to reflect actual project task cost with work completed.

Task 4: An additional \$25,000 in the groundwater modeling line item to further assess the proposed project based on the 2017 declared storm damage and the additional relevant site specific data that was collected.

Task 5a: Reduce the budget by \$3,607 to reflect the actual project costs for that task to date and removing the remaining scope for that task.

Task 5b: Reduce the budget by \$3,700 to reflect the actual project costs for that task to date and removing the remaining scope for that task.

Task Description	GHD's Original Budget	GHD's New Budget (revised)
Task 1 Project Management and Monitoring	\$ 5,500	\$14,500
Task 2 Citywide LID Construction Project	\$ 57,000	\$91,445
Task 3 LID Guidance Documentation	\$3,000	\$2,447
Task 4 LID Zoning and Restoration Policy	\$60,000	\$85,000
Task 5a Public Outreach – Demonstration Project	\$4,000	\$393
Task 5b Public Outreach and Education	\$4,000	\$300
Total Budget	\$ 133,500	\$194,085

Terms of compensation as set forth below or in specified attachment(s).

A total of \$60,585 shall be added to the original budgeted amount of \$133,500. The new total contract budget shall be \$194,085.

All provisions specified in the original Master Services Agreement dated 5/20/08 and the Scope of Services Agreement approved on 11/08/16 are in effect. No other agreements, guarantees, or warranties are in effect.

IN WITNESS WHEREOF, the parties hereby execute this amendment upon the terms and conditions stated above.



GHD Project No. 11136537

Client City of Trinidad

Consultant GHD Inc.

By _____

By [Signature]

Print Name Dan Berman

Print Name Steven Allen

Title City Manager

Title Principal

Date _____

Date May 30, 2018

Original Agreement	<u>\$133,500</u>
Amendment No. 1	<u>\$60,585</u> (increased)
TOTAL	<u>\$194,085</u>



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

6. Resolution 2018-07; Implementing the Civic Club request to Consolidate the Coastal Development Permit Process for the Follow-up Permits from the Memorial Lighthouse Relocation.

DISCUSSION AGENDA ITEM

Date: June 14, 2018

Item: Consider Resolution 2018-07 to implement the Civic Club request to consolidate the Coastal Development Permit process for the follow-up permit(s) from the TML relocation.

Summary:

The Trinidad Civic Club is preparing to submit follow-up applications for work authorized under emergency permits issued by the City (#2017-06E) and the Coastal Commission (#GD180001). The emergency work involved moving the Trinidad Memorial Lighthouse from the Civic Club property (APN: 042-091-004) to the Harbor Area (APN: 042-071-008) and associated activities.

The Civic Club has requested that the City authorize "consolidation" of the Coastal Development Permit (CDP) portions of the project approvals. Without this permit consolidation, the Civic Club will have to apply to both the City and the Coastal Commission for separate Coastal Development Permits (CDP) for different portions of the project. Approving this request will reduce some of the permitting steps and cost for the Civic Club by letting all CDP issues be addressed in one CDP by the Coastal Commission. The City will still have Design Review approval authority for the overall project.

Staff recommend approving the Civic Club request.

Details:

Clean-up of the upper site has not yet occurred but will be included as part of these follow-up applications. A detailed project description, dated May 8, 2018, is on file with the City.

The Civic Club property is within the City's Local Coastal Program (LCP) jurisdiction. The City is authorized to issue CDPs pursuant to its certified LCP in most areas of the City. However, a portion of the City's Harbor Area was not certified by the Coastal Commission under the Trinidad LCP. This area is known as an "Area of Deferred Certification" (ADC). The City is not authorized to issue CDPs in this area, so any CDPs have to be approved directly by the Coastal Commission. Therefore, the current situation requires the Civic Club to apply to both the City and the Coastal Commission for CDP approval for different portions of the project.

Section 30601.3 of the Coastal Act (see below) provides a mechanism for consolidating the permit application process when a CDP is required by both a

local government and the Coastal Commission for the same project. The advantage to the Civic Club in consolidating these permits is to avoid the possibility of an appeal of a City-issued CDP to the Coastal Commission for work at the upper site (the 2012 appeal of the steps on this site has yet to be resolved). There is no disadvantage to the City, because the entire project still requires Design Review approval from the City for both sites. Normally a CDP is processed concurrently with any other City approvals, such as Design Review. Therefore, the City's approval process will basically be unchanged as a result of the consolidation. There will still be public noticing and a public hearing before the Trinidad Planning Commission, as well as the ability to appeal the Planning Commission decision to the City Council.

Staff Recommendation: Consider authorizing the consolidation via the attached Resolution and requesting the City Planner to write a letter to the Coastal Commission and Civic Club notifying them of the consolidation approval.

Attachments:

1. Letter requesting consolidation authorization from the Civic Club
2. Draft Resolution authoring the consolidation

Language from the Coastal Act authorizing consolidation of CDPs is as follows:

30601.3.(a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for a consolidated coastal development permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section 30620.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570

Susan Rotwein, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2018-07

RESOLUTION OF THE CITY OF TRINIDAD CITY COUNCIL AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT BY THE CALIFORNIA COASTAL COMMISSION FOR THE TRINIDAD CIVIC CLUB FOLLOW-UP APPLICATION FOR WORK AUTHORIZED UNDER EMERGENCY PERMITS AND OTHER ACTIONS RELATED TO THE RELOCATION OF THE TRINIDAD MEMORIAL LIGHTHOUSE.

WHEREAS, the Coastal Act was amended by Senate Bill 1843 effective January 1, 2007, which allows for a consolidated permitting process for projects in which the Coastal Development Permit (CDP) authority is shared by a local government and the California Coastal Commission, and

WHEREAS, SB 1843 requires that the applicant, the local government and the California Coastal Commission agree to the consolidation, and

WHEREAS, the emergency work undertaken and proposed by the Civic Club is under the CDP authority of both the City of Trinidad and the California Coastal Commission, was authorized under two separate emergency CDPs (Trinidad #2017-06E and Coastal Commission #GD180001) and would otherwise require a follow-up CDP from both the City of Trinidad and the California Coastal Commission for portions of the work located within each jurisdiction, and

WHEREAS, pursuant to Public Resources Code Section 30601.3, added by SB 1843, consolidation may only proceed where public participation is not substantially impaired by the consolidation, and

WHEREAS, public participation will not be substantially impaired, because the entire project requires Design Review approval from the City, which will include public noticing and a local public hearing, and the California Coastal Commission will hold a public hearing, in which all interested parties may attend or submit written comments, and the consolidation process will allow for this project to be evaluated in its entirety by both jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the City of Trinidad City Council as follows:

1. The California Coastal Commission is authorized to accept and process a consolidated Coastal Development Permit for the Civic Club follow-up application for work authorized under emergency permits to move the Trinidad Memorial Lighthouse and associated work (e.g. prepare and clean-up both sites).

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 14th day of June, 2018. I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Trinidad City Council, held on June 14, 2018, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Susan Rotwein
Mayor



• TRINIDAD CIVIC CLUB, INC. • P.O. BOX 295 TRINIDAD, CALIFORNIA 95570

City of Trinidad

409 Trinity Street

Trinidad, CA 95570

Re: Request for consolidation of the Coastal Development Permit process for Relocation of the Trinidad Memorial Lighthouse completed under Emergency Coastal Development Permits issued by the City of Trinidad on January 5, 2018 (#2017-06E) & the California Coastal Commission on January 8, 2018 (#GD180001)

Dear City of Trinidad,

Trinidad Civic Club submitted to the City on May 8, 2018 its application and Project Description for a "post emergency" Coastal Development Permit (CDP) and Design Review for relocating the Trinidad Memorial Lighthouse from property owned by the Trinidad Civic Club at Edwards and Trinity Street to the Cher-ae Heights Indian Community of the Trinidad Rancheria property at the harbor. The project requires a CDP from the City for the upper site and a CDP from the Coastal Commission for the lower site.

The Trinidad Civic Club requests that the City authorize consolidation of the CDP portion of the approval and allow the California Coastal Commission to process both permits. The application is due June 29, 2018.

Kindly verify if the City accepts the proposed consolidation at your earliest convenience.

Best regards,

Trinidad Civic Club
Trinidad Civic Club

cc: SHN, California Coastal Commission



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

1. Discussion/Decision regarding Time-Limited Parking Restriction on Edwards Street Bluff between Trinity Street and Ocean Ave.

ACTION AGENDA ITEM

Date: June 14, 2018

Item: Consider Holding First Reading of Ordinance 2018-01: AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 10.04.140 OF TITLE 10 OF THE TRINIDAD MUNICIPAL CODE TO ESTABLISH PARKING RESTRICTIONS ON UPPER EDWARDS ST.

Summary: This Ordinance would amend the City Code to establish time limits on parking at the Upper Edwards St. View area (the south side of Edwards St. between Ocean Ave. and Trinity St.) This is a very popular view area for residents and visitors. There is currently nothing preventing people from parking there all day. Staff agrees with the Council's direction that this area is appropriate for time limited parking so that more people can stop, enjoy the view, and move on for the next person.

In order for this restriction to be enforceable, it needs to happen through an Ordinance and become part of the Municipal Code. The attached draft Ordinance revises an older section of Municipal Code to accomplish this end.

The current draft Ordinance proposes 20-minute parking. This has the advantage of being easy to indicate with a green painted curb that is familiar to people.. with '20 min parking, View Area'

The Council could instead set a 1 hour or 2 hour limit. Staff see 20-minute parking as consistent with the idea that this is a place to stop and enjoy the view, but not an appropriate place to park for any extended periods. That can be done away from the bluff edge view locations.

As with most City Code, voluntary compliance will be the primary approach, but enforcement will be possible through the Humboldt County Sheriff's Office. City staff cannot issue parking tickets, but we can help document the time someone has been parked, and create formal warning 'tickets' to facilitate compliance

Staff Recommendation:

- 1) Accept Public Comment
- 2) Consider the appropriate time limit for parking on Upper Edwards St.
- 3) Conduct the First Reading of Ordinance 2018-01, including waiving reading the full text and instead reading it by Title.
- 4) Direct Staff to post and advertise the Ordinance as required, and bring it back to Council for final adoption after the required 30 day period.

Attachments:

- **Draft Ordinance 2018-01: AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 10.04.140 OF TITLE 10 OF THE TRINIDAD MUNICIPAL CODE TO ESTABLISH PARKING RESTRICTIONS ON UPPER EDWARDS ST.**



ORDINANCE 2018-01

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 10.04.140 OF TITLE 10 OF THE TRINIDAD MUNICIPAL CODE TO ESTABLISH PARKING RESTRICTIONS ON UPPER EDWARDS ST.

WHEREAS, the south side of Edwards St. between Ocean Ave. and Trinity St. (hereafter Upper Edwards St) has a limited parking area and a magnificent view overlooking Trinidad Harbor and the coastline extending South from Trinidad; and

WHEREAS, parking is often crowded and unavailable on Upper Edwards St. as both residents and visitors desire to stop to enjoy the view and check ocean conditions.

WHEREAS, there is currently no time limit on parking on Upper Edwards St., so that a few vehicles can occupy this desirable view parking area for an entire day; and

WHEREAS, the establishment of time limited parking on Upper Edwards St. will provide more opportunity for a greater number of people to use and enjoy this view parking area to the benefit of all, and

WHEREAS, this Ordinance is enacted pursuant to the City's police power as granted broadly under Article XI, Section 7 of the California Constitution in order to promote the health, safety and welfare of Trinidad residents,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRINIDAD DOES HEREBY ORDAIN AS FOLLOWS:

That Chapter 10.04.140 of Title 10 of the Trinidad Municipal Code is amended to read as follows: (Strikeout Version shown here for clarity)

CHAPTER 10.04.140

10.04.140 Parking restrictions and prohibitions ed on narrow streets. [SHARE](#)

A. The City Manager or his/her designee~~chief of police~~, by and with the consent of the city council, is authorized to erect signs indicating no parking upon any street when the width of the roadway does

not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

B. When official signs prohibiting parking, or placing time limits on parking, are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

C. Parking on the south side of Edwards St. between Ocean Ave and Trinity St. shall be limited to 20 minutes and shall be marked and/or signed as necessary for enforcement.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Trinidad held on June 14th, 2018, and thereafter passed and adopted at a regular meeting of said City Council held on July __ 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Susan Rotwein, Mayor

ATTEST:

Gabe Adams, City Clerk



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 21 PAGES

2. Discussion/Decision regarding Planning Commission Recommendations; Definition of a Kitchen, Detached Living Spaces, and Administrative Fines

ACTION AGENDA ITEM

Date: June 14, 2018

Item: Consider Planning Commission Recommendations regarding 1) Detached Living Spaces Policy, 2) Kitchen definitions and policy, 3) Administrative Fines, and 4) Other Recommendations

The Planning Commission has recommended for Council approval a Policy regarding the definition of a Kitchen, and a Policy regarding detached living spaces. They have also recommended the City develop an administrative fines Ordinance, and that the City pursue funding for code compliance work related to STRs as well as other aspects of City Planning and Building Code.

Their recommendations are attached.

Staff support the recommendations. Our City Attorney agrees that an Administrative Fines Ordinance would be useful, and is reviewing the examples provided by the Commission. Assuming Council direction is positive, he will develop a draft for future consideration.

It is usually very difficult to apply new definitions or policies retroactively. Our Attorney is reviewing how far we can go to apply these policies in existing situations.

Staff Recommendation:

Accept Public Comment

Consider adoption of the recommended Policies.

Provide direction regarding an Administrative Fines Ordinance.

Attachments:

- Detached Living Spaces Policy
- Kitchen Definition Policy
- Summary Recommendations from the City Planner
- Sample Administrative Fines Ordinances.



MEMORANDUM

TO: Trinidad City Council

FROM: Trever Parker, City Planner *TP*

DATE: April 23, 2018

RE: Detached Living Space Planning Commission Action and Recommendations

As directed by the City Council in March 2017, the Planning Commission discussed the issue of regulating detached living spaces at several meetings. At their regularly scheduled meeting of April 18, 2018, the Planning Commission adopted two different policies to help staff determine appropriate use of and improvements allowed in detached living spaces. These include the attached definitions for a kitchen and wet bar that would apply to all spaces, not just detached living spaces, and the standard conditions for detached living spaces that will be used in any future approvals of detached spaces. By better defining these, it should make interpretation and enforcement of the rules easier for staff in the future.

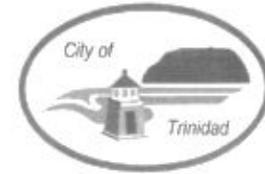
The Planning Commission also considered the possibility of recommending administrative rules for STRs for adoption by the City Manager per §17.56.190.Q of the STR ordinance. However, the Planning Commission did not have any specific recommendations at this time. Instead, they feel that the City needs to step up enforcement of existing regulations. Along that same line, the City Council also asked the Planning Commission to consider enforcement and fines as part of the detached living spaces discussion. This part of the discussion resulted in two unanimously approved recommendations to the City Council, which are as follows.

The Planning Commission finds that real-time enforcement and complaint follow-up is critical to public safety and the well-being of the Trinidad community and recommends that the City Manager and City Council pursue Measure Z funding for a code enforcement officer and additional law-enforcement coverage, and immediately engage the Sherriff's Office to negotiate increased patrols that include enforcement of City codes as well as other applicable laws.

The Planning Commission recommends that the City Council adopt and implement a comprehensive administrative fine ordinance.

To supplement the second recommendation, I have attached several sample administrative fine ordinances that the Council may want to consider.

PLANNING COMMISSION POLICY



Detached Living Space Standard Conditions

Adopted April 18, 2018

Purpose

This policy provides guidance to City of Trinidad staff and the Planning Commission for setting standards for improvements to and the use of detached living spaces. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. These guidelines shall be used by all staff in determining whether a detached living space is being used consistent with City regulations and policy.

Background

The City has a history of allowing existing, detached structures to be converted into living space as an economical alternative to an addition. These spaces can and have been used for a variety of legitimate, single-family, residential uses. However, there are financial incentives, as well as reasons of simple personal convenience, for owners or residents to convert a detached bedroom/living space into its own complete dwelling unit.

Staff, citizens, the Planning Commission, and the Council have spent quite a bit of time in recent years over concerns and disagreements about the difference between a second dwelling unit and a detached living space, and whether any secondary cooking facilities should be allowed on a property that is only authorized to have one dwelling unit. This policy document is just one piece of the larger issue. It is intended to provide consistency and clarity for residents, applicants and staff alike. The standard conditions listed below have been developed for use by the Planning Commission in approving any application for a detached living space. In addition, these standards shall be applied to existing detached living spaces to the extent lawfully allowed.

Standard Conditions for Detached Living Spaces

1. An accessory living space shall operate as an extension of and be dependent upon the principal use and shall not be a separately functioning dwelling unit.
2. A "kitchen," as defined by Planning Commission Policy, is prohibited within a detached living space that contains a bedroom or full bathroom.
3. Property owner to sign and record a deed restriction limiting the number of bedrooms and units on the property to that approved by the City.
4. Owner to agree to periodic inspections/walk-throughs by the City Building Inspector with 24-hour notice.
5. Separate mailing addresses are prohibited for a detached living space.
6. Separate utility meters for electricity, water, and other utility services are prohibited for a detached living space.

PLANNING COMMISSION POLICY



Definition of a Kitchen

Adopted April 18, 2018

Purpose

This policy provides guidance to City of Trinidad staff for determining whether a kitchen exists in a space based on the improvements contained therein. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. The provision of a kitchen is one of the factors used to determine whether a structure is considered to be a dwelling unit and for determining the number of units within a structures or allowed on a given site. These guidelines shall be used by all staff in determining whether a space contains a kitchen.

Background

Staff, citizens, the Planning Commission, and the Council have spent quite a bit of time in recent years over concerns and disagreements about the difference between a second dwelling unit and a detached living space, and whether any secondary cooking facilities should be allowed on a property that is only authorized to have one dwelling unit. The City Council has directed the Planning Commission and Planning Staff to develop clear policy recommendations regarding these issues.

The presence or absence of a kitchen is often used by jurisdictions to determine whether a second unit exists. The City's code does not have a definition of kitchen, and the building code definition is vague. The building code requires a dwelling unit to have food preparation facilities, but does not define what those are. There is nothing in Trinidad's codes (or the State's) that prohibits a single-family dwelling from having two kitchens. However, the Planning Commission has put limitations on the creation of a kitchen for specific projects.

There are a number of reasons that one dwelling may have multiple kitchens. Full outdoor kitchens, for example, have become popular. Sometimes an upper or lower story or a recreation/game room will have a partial kitchen or wet bar installation for convenience. Some people may want separate cooking facilities if someone has allergies or religious restrictions on what they can eat or how food is prepared. Also, a second kitchen or supplemental cooking facilities could be important for someone who does a lot of food prep such as smoking, canning and other types of preserving.

Definitions & Policies

Kitchen: A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:

1. Cooking appliances or rough in facilities for such appliances including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar built-in appliances, 240 volt electrical outlets or any gas lines. OR
2. A sink less than 18 inches in depth with a waste line drain 1.5 inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.
3. A kitchen may have more than one sink, stove, oven or refrigerator in the same room.

Wet bar: A single sink with a waste drain line no greater than 1.5 inches in diameter and an under counter refrigerator no greater than 5 cubic feet in size. A wet bar shall not include a refrigerator in excess of 5 cubic feet in size or a kitchen sink greater than 2 square feet in size or a gas or electric range, stove top and/or oven (but may include a microwave oven). A single-purpose fridge larger than 5 cu. ft., such as a wine cooler, is acceptable, as long as no 240 volt electrical outlets are required.

Exceptions: Notwithstanding the criteria above, the following shall not be considered to be a kitchen:

- A. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.
- B. One laundry/utility room in a dwelling unit. The laundry room may include utility hook-ups for gas or electric laundry appliances and may include a utility sink with a sink depth 18 inches (18") or greater and/or a full size refrigerator or freezer. A laundry room shall not contain cooking appliances.
- C. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather.
- D. Any room where the City Manager or his/her designee determines that the room, by its design, clearly cannot reasonably be used as a kitchen. In considering whether a room is a kitchen that would designate a structure as a dwelling unit, the City Manager or his / her designee may also consider but not be limited to, whether or not the structure has a full bathroom and/or potential sleeping area. When an exception is made pursuant to this section, it shall be documented by a Deed Restriction and/or an Agreement to be signed by the property owner and recorded to inform future property owners of restrictions on the use of a building and future permit requirements for any change in use.

Number of Kitchens: There shall be only one kitchen per approved dwelling unit unless an exception to this policy is granted by the Planning Commission. In granting an exception, the Planning Commission shall ensure that adequate measures, such as a deed restriction or other limitations, are included to ensure that the structure is not converted for use as a second dwelling unit.

Chapter 1.12 - ADMINISTRATIVE FINES AND PENALTIES⁽¹⁾

Sections:

1.12.010 - Purpose.

The city council finds that there is a need for an alternative method to enforce provisions of its ordinances, as amended from time to time. The city council further finds that the assessment of civil fines and penalties through an administrative hearing procedure for code violations in accordance with Government Code Section 53069.4 is a necessary, alternative method of ordinance enforcement.

(Ord. No. 600, § 4, 1-11-2016)

1.12.020 - Cumulative with other remedies.

The enforcement remedy of administrative assessment of civil fines and penalties established in this chapter shall be cumulative and in addition to any other applicable statutory, administrative or judicial remedy authorized by any applicable law or ordinance.

(Ord. No. 600, § 4, 1-11-2016)

1.12.030 - Definitions.

- A. "Enforcement officer" means the code enforcement officer designated by the city manager, including any deputies of the code enforcement officer, and any sworn peace officer employed by the city.
- B. "Property owner" means the owner of record of the real property, upon which a violation of a city ordinance exists, as shown on the most recent equalized tax roll, the occupant of that real property, the person in possession of that real property and any other interested person responsible for such property or the violation.
- C. "Notice of violation" means the "notice of violation, order to correct and notice of assessment of administrative fines and penalties" or its substantial equivalent, issued by the enforcement officer in compliance with this chapter.
- D. "Person" means any natural person, partnership, trust, corporation, limited liability company, association, society, club or other entity but shall not include the city or any of its employees and agents acting within the scope and course of such employment or agency.

(Ord. No. 600, § 4, 1-11-2016)

1.12.040 - Imposition of civil fines and penalties.

- A. Any person violating any provision of an ordinance enacted by the city, as amended from time to time, shall be subject to the assessment of civil fines and penalties pursuant to the administrative procedures established in this chapter and authorized by Government Code Section 53069.4.
- B. Each and every day that a violation of any city ordinance exists shall constitute a separate and distinct violation.

(Ord. No. 600, § 4, 1-11-2016)

1.12.050 - Enforcement authority.

- A. The enforcement officer shall have the authority and powers necessary to determine whether a violation of a city ordinance exists and the authority to take appropriate action to gain compliance with the provisions of all ordinances enacted by the city. These powers include the power to issue a notice of violation; the power to assess and collect civil fines and penalties as provided in this chapter; and the power to enter and inspect private property within the boundaries of the city pursuant to the consent of the property owner or other person in charge, or a warrant.
- B. These inspections may include, but are not limited to, the taking of photographs or video recordings and the taking of samples or other physical evidence. All entries, examinations, inspections and surveys shall be conducted in a reasonable manner. If all property owners, tenants or other responsible persons refuse to consent to the entry or inspection by the enforcement officer, the enforcement officer may seek and obtain an inspection warrant pursuant to Part 3, Title 13 of the Code of Civil Procedure (commencing with Section 1822.50) except that, notwithstanding Section 1822.52 of the Code of Civil Procedure, the warrant shall be issued only upon probable cause.

(Ord. No. 600, § 4, 1-11-2016)

1.12.060 - Amount of fines and penalties.

Any person who violates any provisions of any ordinance enacted by the city, as amended from time to time, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine or penalty up to the maximum amounts set forth in this chapter.

(Ord. No. 600, § 4, 1-11-2016)

1.12.070 - Amount of fine.

The enforcement officer may impose as the administrative fine, an amount up to the maximum fine or penalty amounts for infractions set forth in subsection (b) of California Government Code Section 36900, to the extent permitted by law; the enforcement officer may impose the fine if the violation is not abated by the date specified in the notice of violation issued in compliance with Section 1.12.100 of this chapter. If each day the violation exists is deemed a separate violation, the amount of the fine which may be imposed shall be calculated based upon the number of calendar days from the date of transmittal of the notice of violation through the date of abatement.

(Ord. No. 600, § 4, 1-11-2016)

1.12.080 - Interest.

Any administrative fine and penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the twentieth (20th) day after the penalty becomes a final decision or order.

(Ord. No. 600, § 4, 1-11-2016)

1.12.090 - Determination of fine.

- A. The enforcement officer shall determine the amount of fines or penalties in the first instance. In making the determination, the enforcement officer may take into account the facts and circumstances of the violation, including without limitation the following factors:
1. The length of the time the violations existed;
 2. The culpability of the owner and the willfulness of the violation;
 3. The number of previous violations of the same or related type committed by the owner within the preceding twelve (12) months;
 4. The extent of the violation and the effect of the violation on other residents within the boundaries of the city;
 5. Attempts, if any, to comply with the applicable ordinance(s);
 6. The time necessary to abate the violation; and
 7. Any other information relevant to a determination of the fine.
- B. In making a determination of the amount of the fine, the enforcement officer may consider any relevant information including, without limitation, any information submitted by the property owner. In the event that the enforcement officer determines that the violation was not caused by, or with the knowledge of, the present property owner, the enforcement officer may reduce or eliminate the fine. In the event the enforcement officer determines that the correction of the violation is not feasible, and the violation does not impact other residents within the boundaries of the city, the enforcement officer may reduce or eliminate the fine.

(Ord. No. 600, § 4, 1-11-2016)

1.12.100 - Notice of violation, order to correct and notice of assessment of administrative fines and penalties.

Upon determining that a violation exist of any ordinance enacted by the city, the enforcement officer may take the following steps:

- A. Issue a "notice of violation, order to correct, and notice of assessment of administrative fines and penalties" to the property owner by certified mail or by personal service. The notice of violation shall specify or contain:
1. The name and address of the property owner, and the address and assessor's parcel number ("APN") of the real property where the violation exists;
 2. A statement that a determination has been made that a violation of the particular ordinance exists on the identified property and specifying the sections of the ordinance violated and the conditions constituting each and every violation;
 3. A specified time period of not less than thirty (30) days from receipt of the notice of violation within which the violation must be abated;
 4. A statement advising the property owner that in the event the violation is not abated by the deadline specified in the notice of violation, the property owner shall be subject to administrative fines and penalties under this chapter and specifying the maximum amount of such fines and penalties;
 5. A statement that the property owner may submit in writing to the hearing officer any information relating to the determination of the existence of the violation or violations or the

- amount of the fine to be imposed;
6. A statement of any additional potential consequences that could occur if the violation continues after the expiration of the deadline specified in the notice of violation including, but not limited to, criminal prosecution, civil injunction, administrative abatement, judicial abatement, summary abatement, revocation of permits, recordation of notice of violation, and withholding of future city permits.
 7. A statement that the property owner affected by the notice of violation may appear before the hearing officer at the date and time specified in the notice of violation to appeal the findings, determinations and amount of potential fines and penalties set out in the notice of violation.
 8. A statement that should the property owner fail to appear at the appeal hearing specified in the notice of violation, the findings, determinations and amounts of administrative fines set out in the notice of violation shall be final.
- B. The enforcement officer may, in her/his discretion, record a copy of the notice of violation with the county recorder. In the event of such recordation, and in the event that the notice of violation is subsequently modified, the enforcement officer shall record an amended notice of violation. Correction or abatement of the violation shall not excuse the owner's liability for costs incurred during the administrative abatement process. In the event that the notice of violation is eliminated through the appeal process or because the violations have been corrected within the deadline specified in the notice of violation, the enforcement officer shall record a "notice of withdrawal of notice of violation" or a "notice of satisfaction and compliance with notice of violation," as warranted.
 - C. If the enforcement officer determines that an effort is being made to correct the violation, he or she may grant an additional period of time for correction of the violation. Unless the notice of violation is appealed as provided in Section 1.12.110 of this chapter, the notice of violation shall constitute the final administrative order or decision of the city and the assessment of administrative fines and penalties shall become a final order or decision within the meaning of Government Code Section 53069.4(b)(1).
 - D. Notwithstanding subsection A. above, the enforcement officer may require immediate abatement of a violation if the violation creates an imminent danger to the health and safety of other persons or property within the boundaries of the city, including city staff and city property. Such summary abatement must comport with all applicable laws and any requirements enacted in this Code or such other uniform code which has been adopted by the city.

(Ord. No. 600, § 4, 1-11-2016)

1.12.110 - Initial appeal of notice of violation.

- A. The notice of violation shall set an appeal hearing which shall be no sooner than twenty (20) days and no later than forty-five (45) days following the issuance of the notice of violation. Failure of the property owner to timely appear will result the notice of violation and the assessment of administrative fines and penalties to immediately become a final order or decision.
- B. During the appeal hearing, the hearing officer shall: review the notice of violation; review any relevant evidence submitted by the property owner; consider the factors set forth in Section 1.12.090 of this

chapter; and either uphold, withdraw or modify the notice of violation and the fines and penalties specified in the notice of violation. The hearing officer shall serve a copy of his or her written decision on the property owner. The written decision shall also include or be accompanied by a description of the right to appeal the hearing officer's decision to the city council as provided in Section 1.12.120 of this chapter. Service of the hearing officer's decision shall be complete within five calendar days after the date it was mailed by first-class U.S. mail to the property owner at the address shown on the last equalized tax roll.

- C. The decision of the hearing officer shall constitute the administrative order or decision of the city and be final and confirmed within the meaning of Government Code Section 53069.4(c) unless appealed to the city council as set out in Section 1.12.120 of this chapter.

(Ord. No. 600, § 4, 1-11-2016)

1.12.120 - Appeal to the city council.

- A. The person who appealed the notice of violation pursuant to Section 1.12.110 of this chapter may appeal the decision of the hearing officer to the city council pursuant to Title 1 of this Code and subject to all of the requirements of this chapter which shall be controlling to the extent of any inconsistency with Chapter 1.13 of Title 1.
- B. A notice of appeal must be in writing, must be filed with the city clerk and must state specifically all of the claimed errors, abuses of discretion and other grounds for the appeal. The city council shall consider only the issues raised in the timely notice of appeal as a basis for appeal. The appellant, with approval of the city council, may amend the written notice of appeal to include additional issues, before submission to the city council for decision.
- C. At the time of filing the appeal, the appellant must pay a fee in an amount adequate to cover the cost of processing and hearing the appeal, as established from time to time by resolution of the city council. The city shall also recover from the appellant the costs of preparation of any transcript of testimony requested by the appellant.
- D. The city clerk shall cause a notice of hearing to be mailed to the appellant by first-class mail specifying the date, time and location where the city council will meet and hear the appeal, which date shall be not less than five calendar days after the date of mailing the notice. The city clerk shall also give a copy of said notice to the responding city officer or employee. Upon receipt of the notice of hearing from the city clerk, the responding city officer or employee shall transmit to the city clerk copies of all documents pertaining to the matter under appeal, a transcript of testimony as the appellant shall specifically request and pay for, and a summary of all of the evidence presented to the responding city officer or employee. The city clerk shall also give such other notices as may be required by law or ordinance.
- E. At the time fixed by the city clerk, the city council shall meet to review the appeal. The appellant may appear and be heard on the matter.
- F. The notice of violation and the written decision of the hearing officer shall be admitted into evidence. The appellant shall bear the burden of proving that the decision of the hearing officer should be vacated or modified.
- G. In reviewing the decision of the hearing officer, the city council shall consider the factors set forth in Section 1.12.090 of this chapter, and shall uphold, repeal or modify the decision of the hearing officer;

and the city council shall uphold, eliminate, or modify any fines and penalties assessed by the hearing officer. The written decision shall also include or be accompanied by a description of the appellant's right to appeal the decision as provided in Government Code Section 53069.4 and Section 1.12.130 of this chapter.

- H. At the hearing on appeal, the city council shall review the documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the appellant's notice of appeal and any amendments thereto. Oral evidence shall be taken on oath or affirmation. Each side shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a party does not testify on her/his own behalf she/he may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the city council if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the city council may affirm, reverse or modify the finding, decision or action, or may refer the matter back for further action.
- I. The decision of the city council shall constitute the final administrative order or decision of the city within the meaning of Government Code Section 53069.4(b)(1) and (c). The city clerk shall cause a copy of the city council's written decision to be served by first-class mail on the appellant specified in the written notice of appeal. Service of the city council's decision shall be complete on the fifth day after the date it is mailed by the city clerk to the address provided by the appellant on the notice of appeal.

(Ord. No. 600, § 4, 1-11-2016)

1.12.130 - Judicial review.

- A. Any person aggrieved by a final administrative order or decision imposing an administrative fine after an appeal under Section 1.12.120 of this chapter may seek review in the Tulare County Superior Court pursuant to the terms of Government Code 53069.4(b).
- B. Judicial review of a decision of the city council made after a hearing pursuant to Section 1.12.120 shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

(Ord. No. 600, § 4, 1-11-2016)

1.12.140 - Enforcement and collection.

When an administrative fine or penalty becomes a final order under this Chapter or Government Code Section 53069.4, the city may proceed to collect the fine or penalty as follows:

- A. The city may commence a civil action to enjoin and/or collect the administrative fines and penalties.

In the event a civil action is commenced to collect the administrative fines and penalties, the city shall be entitled to recover all costs associated with the collection of the fines and penalties. Costs include, without limitation, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure Section 1033.5.

- B. The amount of any unpaid final administrative fine, plus interest, plus any other costs as provided in this chapter, may be declared a lien on any real property owned by the property owner against whom an administrative penalty has been imposed, as follows:
 - 1. Notice shall be given to the property owner before recordation of the lien, and shall be served in the same manner as a summons in the civil action pursuant to Code of Civil Procedure Section 415.10 et seq.;
 - 2. The lien shall attach when the city records it with the county recorder's office. The lien shall specify the amount of the lien, the date of the code violations, the date of the final decision, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel; and
 - 3. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, the city shall record a notice of the discharge containing the information specified in Section 1.12.100 8.B.
- C. The city may withhold issuance of licenses, permits and other entitlements to the property owner on any project, property, or application of any kind whenever an administrative penalty remains unpaid.
- D. The city may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, commencing with California Code of Civil Procedure Section 680.010.

(Ord. No. 600, § 4, 1-11-2016)

Chapter 1.10
CODE ENFORCEMENT ADMINISTRATIVE FINES

Sections:

- 1.10.010 Enforcement through administrative fine.
- 1.10.020 Amount of fines.
- 1.10.030 Notice of violation.
- 1.10.040 Issuance of administrative citation.
- 1.10.050 Review to contest administrative citation.
- 1.10.060 Review Officer.
- 1.10.070 Review procedure.
- 1.10.080 Review Officer's decision.
- 1.10.090 Appealing Review Officer's decision.
- 1.10.100 Collection of fines and charges.

1.10.010 Enforcement through administrative fine.

A person who has violated a regulatory provision of this code may be required to pay an administrative fine in accordance with the provisions of this chapter. (Gov. Code § 53069.4) (Ord. 1862)

1.10.020 Amount of fines.

The following fines shall be imposed for each separate violation of same code section:

- A. \$100.00 for a first violation;
- B. \$200.00 for a second violation within the same year; and
- C. \$500.00 for each additional violation in the same year. (Gov. Code § 36900)

1.10.030 Notice of violation.

A. The Code Enforcement Officer shall provide a reasonable period of time for the person who has violated a regulatory provision of the code to correct the violation, if the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, and does not create an immediate danger to health or safety.

B. If the person fails to cure the violation within the time provided by the Code Enforcement Officer, the Code Enforcement Officer is authorized to issue an administrative citation.

1.10.040 Issuance of administrative citation.

An administrative citation shall contain the following information:

- A. The date of the violation.
- B. The address or a description of the geographic location where the violation occurred.
- C. The section of the code violated.
- D. A description of the conditions which caused the code violation.
- E. An order to bring the conditions into compliance with the code.
- F. Information concerning the fine:
 - 1. The amount of the fine which the citee is to pay;
 - 2. The date, 20 working days from the date of the citation, by which the citee must pay the fine; and
 - 3. The location where the citee must pay the fine.
- G. Notice that the citee's payment of the fine does not excuse a continued or subsequent violation of the code.
- H. Notice of the citee's entitlement to request an administrative review.

1.10.050 Review to contest administrative citation.

- A. Request for Review. A citee may contest the citation by:

- 1. Completing a request for review form and returning it to the City Clerk within 20 days from the issuance of the administrative citation; and
- 2. Depositing with the City Clerk a refundable \$25.00 deposit for the review.

- B. Suspension of Payment of Fine. If the citee files a timely request for review, the requirement to pay the fine shall be suspended and the payment of the fine, if any, shall be in accordance with the decision of the Review Officer.

- C. Processing Request.

- 1. Upon the receipt of a request for review, the City Clerk shall set the matter for hearing and provide the citee at least 10 days' notice of the time, date, and location of the review.
- 2. If the City intends to submit any written material for consideration at the review, other than the citation, then the City Clerk shall provide copies of such additional material to the citee at least five working days prior to the review.

1.10.060 Review Officer.

The City Manager shall designate a competent person or persons to serve as a Review Officer.

1.10.070 Review procedure.

- A. If the citee requesting the review fails to appear, the Review Officer shall enter a decision upholding the citation.
- B. At the review, the City shall present its case in support of the contention that a violation of this code has occurred and that the citee is responsible.

C. At the review, the person contesting the penalty shall be given the opportunity to testify and to present evidence that a violation did not occur and/or the citee is not responsible for the violation.

1.10.080 Review Officer's decision.

A. The Review Officer shall issue a written decision to uphold or set aside the administrative citation and shall present the reasons for the decision.

B. The City Clerk shall send a copy of the Review Officer's decision to the citee with notice of the citee's entitlement to appeal the Review Officer's decision in Superior Court.

C. The decision of the Review Officer shall be the City's final action on the matter. The decision shall be final as of the date of the decision.

D. If the Review Officer upholds the administrative citation, the City shall reimburse the citee's \$25.00 deposit.

1.10.090 Appealing Review Officer's decision.

A. A citee may appeal the Review Officer's decision by filing an appeal with the Superior Court, within 20 days from service of the Review Officer's decision. (Code of Civil Procedure § 1094.6; Gov. Code § 53069.4)

B. Suspension of Payment of Fine. If the citee files a timely appeal with the Municipal Court, the requirement to pay the fine shall be suspended and the payment of the fine, if any, shall be in accordance with the decision of the Superior Court.

1.10.100 Collection of fines and charges.

If a citee fails to pay the fine in a timely manner, the City may collect any past due fines by use of all available legal means.

Home

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The Coronado Municipal Code is current through Ordinance 2077, passed February 6, 2018.

Disclaimer: The City Clerk's Office has the official version of the Coronado Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.coronado.ca.us/>

City Telephone: (619) 522-7300

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Palm Springs Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 1 GENERAL PROVISIONS](#)**Chapter 1.06 COMMUNITY IMPROVEMENT AND ADMINISTRATIVE CITATIONS****1.06.010 Intent.**

- (a) This chapter provides for administrative citation remedies, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code, including any codes adopted by reference, or other public nuisance.
- (b) This chapter establishes an administrative citation process and monetary penalties to encourage and expedite compliance with the provisions of the Palm Springs Municipal Code. This chapter encourages voluntary compliance through the implementation of a process that informs responsible parties of violations by giving a written warning before taking action and allowing reasonable time lines for compliance.
- (c) The goals of this chapter focus on minimizing the number of code violations made by property owners, renters, business owners, and other stakeholders of the city by instituting a citation process and promoting a positive city image. The goals of this chapter are as follows:
- (1) To improve the quality of life for Palm Springs residents and business owners by reducing the number of code violations through the encouragement of expedient compliance;
 - (2) To protect the health, safety, and welfare of the general public by minimizing potentially harmful municipal code violations;
 - (3) To provide a simplified administrative citation process in order to encourage its implementation;
 - (4) To minimize the time and expense associated with code enforcement action;
 - (5) To provide a methodology to hold noncompliant parties responsible for continuous violations; and
 - (6) To provide for the enhanced collection of delinquent code enforcement fines, costs, fees and penalties by conditioning issuance and renewal of city licenses and permits upon payment of such delinquent code enforcement fines, costs, fees and penalties.
- (d) The council finds that the enforcement throughout the city of the provisions of this code, including such codes as have been incorporated by reference and any applicable state codes, is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The council recognizes that code enforcement depends upon the codification and implementation of fair, reasonable, and consistent regulations that can be effectively applied in administrative and judicial proceedings. The council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with this code and the regulations contained in this code. (Ord. 1669 § 5, 2005)

1.06.020 Definitions.

In construing the provisions of this chapter, the following definitions shall apply:

"Administrative citation" means a monetary penalty issued after failure to abate a violation of the Palm Springs Municipal Code.

"City manager" means the city manager of the city or the city manager's designee or designees.

"Enforcement officer" means a code compliance officer, police officer, building inspector, or any other city employee designated by the city manager to enforce the provisions of the Palm Springs Municipal Code and granted authority to issue notices and administrative citations pursuant to this title. The term "enforcement officer" also includes any city employee or official expressly pro-

vided enforcement authority pursuant to the provisions of this code.

“Hearing” means a hearing conducted by a hearing officer regarding an appeal of the issuance of an administrative citation submitted by a responsible party.

“Hearing officer” means an individual or board (including, but not limited to, the administrative appeals board) as may be designated by the city manager to conduct hearings, including appeals hearings, and make decisions as provided in this chapter.

“Public safety officer” means a police officer or the fire chief of the city or the fire chief’s designee authorized under the laws of the State of California or this code to enforce the provisions of the Palm Springs Municipal Code. A “public safety officer” is an “enforcement officer” as defined in this chapter.

“Responsible party” means the owner of property upon which a violation of the Palm Springs Municipal Code exists. This term shall also include any non-owner, occupant, or other person or entity in control of the property who is creating, causing, or maintaining any condition in violation of the Palm Springs Municipal Code. (Ord. 1679 § 3, 2005; Ord. 1669 § 5, 2005)

1.06.030 Administrative citation and pre-citation or courtesy notice.

(a) Whenever an Enforcement Officer charged with the enforcement of any provision of this Code determines that a violation of that provision has occurred, either by receiving a complaint or being witness to the violation, the Enforcement Officer has the authority to take the actions identified in this Section and issue an administrative citation to a responsible party for the violation, as provided herein, unless the violation is deemed to be an immediate threat to life and safety, at which time the matter shall be referred to the Building Official, Police Department, Fire Department, or other applicable agency, depending on the nature of the violation, for immediate action. A Public Safety Officer shall not be required to issue a pre-citation or courtesy notice as provided in Subsection (b) of this Section; however, a Public Safety Officer, in the discretion of such officer, may issue such courtesy notice. The City Manager may by administrative rule or regulation or by direction or order authorize an Enforcement Officer to issue an administrative citation without first complying with the pre-citation or courtesy notice requirements as otherwise required pursuant to Subsection (b) of this Section.

(b) Prior to issuing an administrative citation for a violation of this code that does not create an immediate danger to health or safety, the enforcement officer shall serve a pre-citation or courtesy notice on the responsible party for the violation containing the following information:

- (1) The date the violation was observed;
- (2) The address or a definite description of the location where the violation was observed;
- (3) The section of this code violated and a description of the violation;
- (4) The compliance date by which the violation shall be corrected or otherwise remedied, which shall be no less than fifteen days and no more than sixty days from the date the pre-citation notice is given, as determined to be reasonable by the code enforcement official;
- (5) A statement that if the violation is not corrected by the specified compliance date, that an administrative citation will be issued which imposes a fine, for the amount of which will be specified; and
- (6) The name, signature and department of the enforcement officer issuing the pre-citation notice.

(c) Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) The section of this code violated and a description of the violation;
- (4) The amount of the fine for the code violation;
- (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

- (6) An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
 - (7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
 - (8) The name, signature, and department of the citing enforcement officer.
- (d) An administrative citation shall be issued and served in accordance with Section 1.06.040. (Ord. 1848 § 1, 2014; Ord. 1679 § 4, 2005; Ord. 1669 § 5, 2005)

1.06.040 Imposition of penalties.

- (a) **First Administrative Citation.** If the violation is not abated by the date set forth in the courtesy notice, a first administrative citation shall be issued. The first administrative citation shall carry a fine of one hundred dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the first administrative citation. If an extension of the compliance date set forth in the first administrative citation is requested and approved in accordance with Section 1.06.050, the fine must be paid prior to the city's grant of the extension. The first administrative citation shall warn the responsible party of an additional two hundred fifty dollar penalty, or such amount as the city council may establish by resolution, for not abating the violation by the compliance date set forth in the first administrative citation or the extension period granted by the city.
- (b) **Second Administrative Citation.** If the violation continues after the compliance date in the first administrative citation or any extension period granted by the city, or a second violation of the same provision of this code occurs within one year of the compliance date of the first such violation, a second administrative citation shall be issued. The second administrative citation shall carry a fine of two hundred fifty dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the second administrative citation, and shall clearly indicate "SECOND ATTEMPT TO OBTAIN COMPLIANCE." If an extension of the compliance date set forth in the second administrative citation is requested and approved in accordance with Section 1.06.050, the full amount of all fines must be paid prior to the city's grant of the extension. The second administrative citation shall warn the responsible party of an additional five hundred dollars penalty for not abating the violation by the compliance date set forth in the second administrative citation or the extension period granted by the city.
- (c) **Third Administrative Citation.** If the violation continues after the compliance date in the second administrative citation or any extension period granted by the city, or a third or subsequent violation of the same provision of this code occurs within one year of the compliance date of the first such violation, a third administrative citation shall be issued. The third administrative citation shall carry a fine of five hundred dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the third administrative citation, and shall clearly indicate "FINAL ATTEMPT TO OBTAIN COMPLIANCE – FAILURE TO COMPLY MAY RESULT IN PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS – ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY." If an extension of the compliance date set forth in the third administrative citation is requested and approved in accordance with Section 1.06.050, the full amount of all fines must be paid prior to the city's grant of the extension. (Ord. 1679 §§ 5, 6, 2005; Ord. 1669 § 5, 2005)

1.06.050 Action required upon receipt of an administrative citation.

- (a) Upon receipt of an administrative citation, the responsible party must take one of the following actions to avoid additional penalties:
- (1) Correct the violation, pay the corresponding fine(s), if any, and contact the city to request a re-inspection, prior to the compliance date specified in the administrative citation; or

(2) Request an extension of time in writing, which shows a reasonable hardship pursuant to subsection (b) of this section, prior to the compliance date specified in the administrative citation; or

(3) Request a hearing to appeal the administrative citation pursuant to subsection (c) of this section.

(b) All requests for extensions must be made in writing, submitted to the enforcement officer, and present a reasonable hardship. The enforcement officer may grant a one-time extension at his/her discretion after payment of the fine due. The extension shall not exceed thirty days unless the matter is referred to the city manager for additional

time. The city manager may grant additional time as determined in the city manager's reasonable discretion, considering all relevant facts and circumstances of the hardship. If the case has been referred or appealed to the hearing officer, extensions may not be granted.

(c) A responsible party receiving an administrative citation may appeal such citation within ten calendar days from the date the citation is deemed served, or such extended date, if an extension is granted pursuant to Section 1.06.050.

(1) The appeal must be in writing and must indicate the appellant's full name and mailing address. It must be accompanied by the penalty amount and appeal fee which shall be set by city council resolution, must specify the basis for the appeal in detail, and must be filed with the city clerk's office. If the appeal deadline falls on a day City Hall is closed, then the deadline shall be extended until the next regular business day.

(2) As soon as practicable after receiving the written notice of appeal, the city manager shall fix a date, time, and place for the hearing before a hearing officer. Hearings shall take place once per month at a set time and date, unless the city finds it necessary to conduct hearings more frequently. Written notice of the time and place for the hearing may be served by first class mail, at the mailing address indicated on the written appeal. Service of the appeal notice must be made at least ten calendar days prior to the date of the hearing to the party appealing the administrative citation.

(3) The failure of any person with an interest in the property, or other responsible party, to receive such properly addressed notice of the hearing shall not affect the validity of any proceedings under this chapter. Service by first class mail, postage prepaid shall be effective on the date of mailing.

(4) Failure of any responsible party to file an appeal in accordance with the provisions of this section shall constitute a waiver of that responsible party's rights to administrative determination of the merits of the administrative citation and the amount of the penalty. If no appeal is filed, the administrative citation shall be deemed a final administrative order and a failure to exhaust the responsible party's administrative remedies.

(Ord. 1669 § 5, 2005)

1.06.060 Hearing procedure.

(a) The city manager shall designate a hearing officer or hearing officers to conduct appeals under this chapter. Each hearing officer shall be an individual or appointed person or board, subject to the provisions of the Political Reform Act of 1974 and all other laws, ordinances, or regulations of the state or the city relating to conflicts of interest. All costs associated with the hearing officer shall be paid from the appeal hearing fees and fines collected from administrative citations. The responsible party may request the city manager to excuse a hearing officer upon a showing of actual prejudice against the party's cause. The hearing officer shall conduct an orderly fair hearing and accept evidence on which persons would commonly rely in the conduct of their ordinary business affairs as follows:

(1) A valid citation shall be prima facie evidence of the violation.

(2) The hearing officer shall administer oaths and accept testimony by declaration under penalty of perjury relating to the violation and the appropriate means of correcting the violation.

- (3) The owner, agent, person responsible for the violation, or any other interested person, may present testimony or evidence concerning the violation and the means and time frame for correction.
- (b) The city manager shall establish all appropriate administrative regulations for implementing this chapter, including the conduct of hearings and rendering decisions pursuant to this section.
- (c) The hearing officer may modify the penalties stated in an administrative citation depending upon the circumstances of each case and the evidence presented and the hearing officer provides specific grounds for such modification in the written decision. The hearing officer has authority to reduce, conditionally reduce, or increase the amount of any penalties, subject to the fine amounts or limits established by the council by resolution. The hearing officer may impose conditions and deadlines for correction of violations or payment of outstanding penalties.
- (d) The failure of the responsible party or duly authorized representative to appear at the hearing shall constitute a forfeiture of the fine and appeal fees and a failure to exhaust the responsible party/appellant's administrative remedies.
- (e) The hearing officer shall make findings based on the record of the hearing and make a written decision based on the findings. The city shall preserve all exhibits submitted by the parties and shall serve the decision by first class mail on the appellant within ten calendar days after the hearing. The decision of the hearing officer dismissing the administrative citation is final and conclusive. The decision of the hearing officer affirming the administrative citation is final and conclusive, subject only to review by the Superior Court in accordance with state law pursuant to an appeal to Superior Court filed by the appellant within twenty days of the date that the administrative citation is served upon the appellant. There are no appeals to the city council.
- (f) If the hearing officer dismisses the administrative citation, all fines and appeal fees shall be refunded to the responsible party/appellant within thirty calendar days.
- (g) The responsible party who requested the hearing may obtain review of the hearing officer's administrative decision regarding the administrative citation by filing a petition for judicial review pursuant to the provisions of California Government Code Section 53069.4. (Ord. 1679 § 7, 2005; Ord. 1669 § 5, 2005)

1.06.070 Collection of fines.

- (a) The failure of any person to pay a fine assessed by administrative citation within the time specified on the administrative citation constitutes a debt to the city. To enforce that debt, the city manager may file a civil action, impose a special assessment as set forth below, or pursue any other legal remedy to collect such debt, including reasonable costs of collection and attorneys' fees.
- (b) The city council may impose a special assessment against the property that is the subject of a citation if the citation has been issued to the property owner. The city manager shall record a notice of lien in the office of the county recorder when the special assessment procedure is used. When so made and confirmed, the cost shall constitute a lien on that property for the amount of the assessment.
- (c) After confirmation and recordation, a copy shall be turned over to the Riverside County tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- (d) Non-payment of fines which the city has made reasonable effort to collect shall be deemed a misdemeanor for which the responsible party may be prosecuted.
- (e) Administrative citation fines collected pursuant to this chapter shall be deposited into an appropriate fund

to be administered in furtherance of the purposes of this chapter and to fund such code enforcement and public nuisance abatement actions and proceedings as the city council may identify or proscribe. (Ord. 1669 § 5, 2005)

1.06.080 Civil or criminal actions not affected.

Any administrative citations pursuant to this chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation. (Ord. 1669 § 5, 2005)

1.06.090 Neighborhood involvement.

The city manager shall cooperate with neighborhood organizations and the neighborhood involvement committee, as may be organized pursuant to the provisions of Chapter 2.55 of this code, in the implementation of this chapter. Such cooperation may include the provision of information and the establishment of forums for dialogue and communication on the requirements of the city's code and the city's enforcement of the code. Nothing in this chapter shall be construed as authorizing the city manager to appoint or designate any member of any neighborhood organization or the neighborhood involvement committee as an enforcement officer. (Ord. 1669 § 5, 2005)

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DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Discussion/Decision regarding Trails Committee Bench Policy

ACTION AGENDA ITEM

Date: June 14, 2018

Item: Consider Trails Committee Recommendation for a Bench Policy

Summary: The Trails Committee has developed the attached Bench Policy and is recommending the Council review and approve it. Staff support the recommendation. As a Policy and Procedures guide, it can be reviewed and revised over time as appropriate.

The Policy sets a \$1000 fee to establish and mark existing benches in memorial for 10 years, and addresses the details of how to handle existing memorials, notify 'owners', and provide opportunities for new individuals or families to designate benches in memory of loved ones.

The Public Works Staff are working with local high school wood and metal shops on an improved standard design for the benches.

Staff Recommendation:

Accept Public Comment
Approve the Bench Policy

Attachments:

- Bench Policy as approved by the Trails Committee on 5/15/18

Bench Policy Approved 5/15/18

Policy:

The City of Trinidad will make available memorial benches for dedication. Plaques and benches will be available for purchase in increments of 10 years. The purchase amount will be \$1,000.00; this will cover the cost of the dedication plaque as well as purchase and repair of the dedicated bench. Memorial benches shall be available to individuals, families and Trinidad based service organizations.

Definitions:

Trinidad based community service organizations are those organizations based in the greater Trinidad planning area.

Benches will be dedicated "in memory of" or "in honor of..."

Procedure:

The City will maintain, repair and replace a minimum of 5 memorial benches in the city limits annually. A 7 year rotating schedule will be maintained for maintenance, repair and replacement of benches.

Currently there are 30 designated memorial benches in the city limits of Trinidad.

When a bench is due for replacement, the current purchaser will be contacted and offered the opportunity to purchase the bench for a 10 year period. If the current purchaser with contact information on file with the City cannot be contacted, does not respond within 30 days or chooses not to purchase the bench for an additional 10 year period, the bench will become available. At the conclusion of the 10 year period the bench will become available unless rededicated.

Any bench currently dedicated at the adoption of this policy that lacks contact information regarding the original purchaser and meets the memorial bench criteria will be automatically renewed for a period of one year. It will be advertised as available after the one-year period if by that period the City has not been contacted by the original purchaser indicating that they wish to continue sponsorship of the bench.

During the first year after the bench policy is adopted the city will notify the public via flyers around town and on the City website in an effort to make the public aware that if they currently sponsor a memorial bench that they should contact the City to ensure accurate contact information is on file for future renewal opportunities.

The City will utilize a contact list as a method to notify interested parties when a bench becomes available. If interested a party may add their name to a contact list to be notified when there are memorial benches available for sponsorship. Once a year in January everyone on the contact list will be advised if there are benches available and how many. It would be first come first served; meaning first to pay required fees gets the benches. When a bench is replaced the plaque will be transferred to the new bench.

The City will standardize plaque size as well as text font, size and line limitation. To be determined.

Undedicated benches will be maintained by the City until dedicated.

Concerns regarding bench policy may be addressed directly to the Trails Committee.



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 18 PAGES

4. Discussion/Direction regarding FY2018-19 Budget and Workplan

***SUPPLEMENTAL INFORMATION WAS PROVIDED BY THE CITY MANAGER
ON WEDNESDAY, JUNE 13. THE (11) PAGES HAVE BEEN INSERTED INTO THIS REVISED PACKET
AND ARE IDENTIFIED BY A DIVIDER PAGE.***

ACTION AGENDA ITEM

Date: June 14, 2018

Item: **Draft 2019 Budget Discussion**

The Current Draft worksheets relating to the General Fund are attached.

A summary table is included below.

Staff will provide supplementary materials on Monday.

CITY OF TRINIDAD
FY2017-18 GF Budget Summary

	2017 actuals	2018 year budget	2018 yr end ESTIMATE	2019 Budget	change from 2018
General Fund Revenues					
Property Tax and misc state payments;	\$ 97,465	\$ 96,800	\$ 100,776	\$ 101,900	\$ 5,100
In Lieu VLF and Sales Tax (Triple Flip)	\$ 28,466	\$ 28,600	\$ 29,000	\$ 30,000	\$ -
Sales Tax (Base)	\$ 246,438	\$ 240,000	\$ 236,000	\$ 140,500	\$ (99,500)
City sales tax				\$ 105,500	\$ 105,500
TOT (after TBID pass through)	\$ 171,173	\$ 134,400	\$ 136,903	\$ 134,402	\$ 2
Applications, Licenses Permits	\$ 49,669	\$ 40,150	\$ 53,334	\$ 47,650	\$ -
Rents and Franchise Fees	\$ 48,314	\$ 49,435	\$ 60,152	\$ 77,800	\$ 7,500
Interfund Transfer (Gas Tax)		\$ -		\$ -	\$ -
TOTAL GENERAL FUND REVENUE	\$ 641,526	\$ 589,385	\$ 616,166	\$ 637,752	\$ 48,367
General Fund Expenses:					
Admin		\$ 341,950	\$ 347,066	\$ 372,951	\$ 31,001
Public Works		\$ 165,140	\$ 190,167	\$ 155,326	\$ (9,814)
Police		\$ 89,482	\$ 85,000	\$ 86,623	\$ (2,859)
Fire		\$ 12,300	\$ 7,000	\$ 17,350	\$ 5,050
TOTAL GENERAL FUND EXPENSE		\$ 608,872	\$ 629,233	\$ 632,250	\$ 23,378

CITY OF TRINIDAD
FY 2017-18 PROPOSED BUDGET
General Fund Revenue

	FY 2016 Actual	FY 2017 Actual	FY 2018 BUDGET	2018 estimated actuals	FY 2019 BUDGET
REVENUES					
Property Taxes - Secured	85,628.14	86,591.98	\$ 90,000	91,000.00	\$ 92,000
Property Tax - Unsecured	3,249.27	3,450.50	\$ 3,300	3,400.00	\$ 3,400
PROPERTY TAX - PRIOR SECURED		0.00			
Property Tax - Prior Unsecured	41.89	29.87	\$ 50	28.84	\$ 50
Proerty Tax - Current suppl	825.60	1,502.84	\$ 600	1,200.00	\$ 1,000
Property Tax - prior Supplemental	112.63	135.32	\$ 200	200.00	\$ 200
PROPERTY TAX - FINES	200.42			547.26	\$ 500
Motor Vehicles Fines	81.48	741.27	\$ 1,000	0.00	\$ 500
Property Tax Exemption	1,208.22	1,131.64	\$ 1,300	1,200.00	\$ 1,300
Public Safety 1/2% sales tax	1,778.47	1,828.87	\$ 1,600	1,800.00	\$ 1,900
Documentary Real Property Tax	3,238.95	5,503.31	\$ 2,000	4,800.00	\$ 4,500
Property Tax Administration	(2,152.00)	(2,264.00)	\$ (1,500)	(2,300.00)	\$ (1,600)
LAFCO	(1,503.76)	(1,186.51)	\$ (1,750)	(1,100.00)	\$ (1,850)
In Lieu Sales & Use Tax	26,329.06	0.00	\$ -		\$ -
In Lieu VLF	28,205.00	28,466.00	\$ 28,600	29,000.00	\$ 30,000
Sales Taxes	250,368.03	246,438.21	\$ 240,000	236,000.00	\$ 240,000
Transient Occupancy Tax	127,793.98	171,173.32	\$ 134,400	136,902.97	\$ 138,000
Grant Income		20,000.00		5,465.00	\$ 15,000
Measure Z grant		0.00			
Copy Machine Fees	214.15	57.74	\$ 50	76.30	\$ 50
Interest Received	3,247.67	3,791.30	\$ 5,000		\$ 10,000
Other Miscellaneous Income	27,961.30	22,354.40	\$ 1,000	3,137.57	\$ 2,500
Planner Application Processing	6,704.75	5,222.50	\$ 8,000	13,658.65	\$ 9,000
Building Application Processing	11,425.05	8,288.08	\$ 9,000	18,079.87	\$ 10,000
Animal License	30.00	105.00	\$ 200	60.00	\$ 200
Business License	8,453.00	7,998.00	\$ 7,500	11,172.00	\$ 7,500
VDU License Fee	9,000.00	1,500.00	\$ 9,000	7,000.00	\$ 8,000
Encroachment Permits	200.00	352.00	\$ 400	150.00	\$ 400
Rental Income - Verizon	25,038.47	25,891.90	\$ 24,000	26,000.00	\$ 49,600
Rental Income - Harbor	5,135.00	0.00	\$ 5,135	15,070.00	\$ 5,200
Rental Income - PG&E	0.00	9,521.03	\$ 9,500	9,165.97	\$ 10,000
Rental Income - Suddenlink	17,202.85	6,749.05	\$ 3,800	4,984.44	\$ 6,500
Rental Income - Town Hall	5,832.00	6,152.50	\$ 7,000	4,932.00	\$ 6,500
Interdepartmental Transfer	0.00	0.00	\$ -	0.00	
TOTAL REVENUES	\$ 645,998	\$ 663,426	\$ 589,385	\$ 622,358	\$ 650,350

CITY OF TRINIDAD

Proposed General Fund Admin Expenditures

		FY 2017 BUDGET	FY 2017 Actual	FY 2018 BUDGET	FY 2018 ESTIMATE	DRAFT FY 2019 BUDGET
201	EXPENDITURES					
60900	HONORARIUMS	3,500.00	2,650.00	\$ 3,500	2,000.00	\$ 3,500
61000	EMPLOYEE GROSS WAGE	115,022.17	120,742.86	\$ 106,719	105,531.32	\$ 125,761
61470	FRINGE BENEFITS	600.00	600.08	\$ 600	507.76	\$ -
65100	DEFERRED RETIREMENT	12,341.62	8,388.64	\$ 11,345	9,758.39	\$ 15,091
65200	MEDICAL BENEFITS	14,800.71	12,875.16	\$ 13,099	13,000.00	\$ 22,907
65250	Health Savings Program		146.96		270.75	
65300	WORKMEN'S COMP	3,450.66	21.45	\$ 3,415	3,318.45	\$ 4,716
65500	EMPLOYEE MILEAGE	750.00	220.32	\$ 500	144.81	\$ 500
65600	PAYROLL TAX	9,743.33	9,504.66	\$ 9,032	9,000.00	\$ 10,775
65800	Grant Payroll Allocation	(6,000.00)	(4,259.41)	\$ (1,880)	(1,828.98)	\$ (5,500)
68090	CRIME BOND	455.00	455.00	\$ 520	487.50	\$ 500
68200	INSURANCE - LIABILITY	10,400.00	10,160.80	\$ 11,050	10,645.70	\$ 12,400
68300	PROPERTY & CASUALTY	4,680.00	3,807.05	\$ 4,875	4,156.10	\$ 4,800
71110	ATTORNEY-ADMINISTRATIVE	10,000.00	13,271.00	\$ 10,000	7,953.00	\$ 13,000
71130	ATTORNEY-LITIGATION	10,000.00	8,855.50	\$ 10,000	0.00	\$ 10,000
71210	CITY ENGINEER-ADMIN.	2,000.00	11,274.15	\$ 3,000	798.23	\$ 3,000
71310	CITY PLANNER-ADMIN.	45,000.00	54,686.47	\$ 48,000	2,494.75	\$ 51,000
71410	BLDG INSPECTOR-ADMIN	4,500.00	7,915.99	\$ 6,000	3.50	\$ 6,000
71420	BLDG INSPECTOR-PERMIT	9,000.00	0.00	\$ 10,000	58,875.78	\$ 1,000
71510	ACCOUNTANT-ADMIN	14,000.00	15,019.68	\$ 14,500	9,865.00	\$ 15,000
71620	AUDITOR-	14,000.00	13,718.45	\$ 15,000	0.00	\$ 15,500
71620	TOT Distribution to Community	16,200.00	16,205.81	\$ 16,800	12,913.59	\$ 15,000
75110	FINANCIAL ADVISOR/TECH	5,500.00	2,451.44	\$ 3,000	4,342.75	\$ 3,000
75160	LIBRARY RENT.	500.00	86.29	\$ 500	7,500.00	\$ 500
75170	RENT	8,200.00	8,200.00	\$ 9,000	11,190.31	\$ 9,000
75180	UTILITIES	9,000.00	10,733.44	\$ 7,875	335.00	\$ 8,250
75190	DUES & MEMBERSHIP	500.00	550.71	\$ 1,000	3,802.78	\$ 750
75200	MUNICIPAL/UPDATE	4,500.00	4,993.65	\$ 4,000	4,494.53	\$ 4,000
75220	OFFICE SUPPLIES	5,500.00	8,008.53	\$ 6,000	40.00	\$ 6,500
75240	BANK CHARGES	250.00	20.00	\$ 200	66.00	\$ 200
75280	TRAINING / EDUCATION	2,500.00	0.00	\$ 2,500	1,055.51	\$ 1,000
75300	CONTRACTED SERVICES	500.00		\$ 500	2,230.22	\$ 5,000
75990	MISCELLANEOUS EXPENSE	2,000.00	263.89	\$ 2,500	2,806.10	\$ 500
76110	TELEPHONE		1,516.13	\$ 1,800	0.00	\$ 1,800
76130	CABLE & INTERNET	3,300.00	3,365.13	\$ 3,500	525.00	\$ 3,500
76150	TRAVEL	1,500.00	0.00	\$ 1,500	267.81	\$ 1,500
78170	SECURITY SYSTEM	1,500.00	73.50	\$ 500		\$ 500
78190	MATERIALS, SUPPLIES & EQUIPMENT	1,500.00	73.65	\$ 1,500		\$ 2,000
	TOTAL EXPENSES	\$ 340,693	\$ 347,066	\$ 341,950	\$ 388,646	\$ 372,951

CITY OF TRINIDAD
General Fund 501 Public Works

	FY 2016 Actual	FY 2017 Budget	FY 2017 Actual	FY 2018 Budget	FY 2019 Budget
501 EXPENDITURES					
61000 Employee Gross Wages	\$70,179	\$71,561	\$73,971	\$85,557	\$93,333
61250 Employee Overtime	\$0	\$500	\$0	\$500	\$500
65100 Deferred Retirement	\$7,538	\$8,891	\$8,592	\$10,492	\$11,425
65200 Medical Insurance & Benefits	\$22,840	\$29,514	\$24,813	\$35,452	\$35,890
65300 Workmen's Comp Insurance	\$0	\$2,223	\$0	\$2,798	\$3,570
65600 Payroll Tax	\$5,719	\$6,348	\$6,350	\$7,491	\$8,157
65800 Grant Payroll Allocation	-\$20,593	-\$22,500	-\$31,859	-\$43,000	-\$75,500
71210 City Engineer - Admin	\$12,594	\$6,000	\$19,149	\$8,000	\$10,000
71250 City Engineer - Project Fees	\$0	\$4,000	\$0	\$4,000	\$3,000
75180 Utilities	\$445		\$107		
75200 Municipal Stormwater Permit		\$2,300	\$0	\$2,400	\$2,500
75300 Contracted Services	\$930	\$24,000	\$58,899	\$12,000	\$25,000
75370 Uniforms/personal equipment	\$87	\$500	\$0	\$450	\$450
78100 Street Maintenance & Repair	\$501	\$7,500	\$2,285	\$5,000	\$3,000
78120 Street Lighting - Operations	\$4,078	\$4,500	\$4,566	\$4,500	\$4,500
78130 Trail & Park Maintenance	\$3,452	\$3,500	\$337	\$3,500	\$3,500
78140 Vehicle Fuel & Oil	\$3,871	\$4,000	\$3,809	\$4,000	\$4,000
78150 Vehicle Repairs	\$4,676	\$2,500	\$1,755	\$2,500	\$2,500
78160 Building Repairs & maintenance	\$52,243	\$4,000	\$6,403	\$5,000	\$12,000
78170 Security System	\$104		\$488	\$500	\$500
78190 Materials, Supplies & Equipment	\$5,490	\$5,000	\$9,813	\$13,000	\$6,000
78200 Equipment Repairs & Maintenance	\$649	\$1,000	\$0	\$1,000	\$1,000
79150 WATER LINE REPAIR		\$1,311			
90000 Transfer to Reserve	\$983				
TOTAL EXPENSES	\$176,661	\$166,649	\$190,167	\$165,140	\$155,326

CITY OF TRINIDAD

PROPOSED FY2018 BUDGET

General Fund Department 301 - Police Department

stay at 1.5 deputies

	FY 2016 Actual	FY 2017 Budget	FY 2017 Actual	FY 2018 Budget	FY 2018 Actual (to date)	FY 2018-19 Budget
301 REVENUES						
46000 GRANT INCOME (COPS)	(COPS	\$ 100,000	\$ 126,381	\$ 100,000	105000	105000
46100 Measure Z Grant Income	grant tracked	\$ 75,000	\$ 75,317	\$ 75,000	37500	75000
54100 ANIMAL LICENSE FEES						
TOTAL REVENUES		\$ 175,000	\$ 201,698	\$ 175,000	\$ 142,500	\$ 180,000
301 EXPENDITURES						
61000 Employee Wages	3,258.03	\$ 5,330	8,048.90	\$ 5,376	5,313.98	\$ 5,770
65100 Deferred Retirement		\$ 222	172.20	\$ 228	369.67	\$ 692
65300 Workmen's Comp Insurance	0.00	\$ 160	0.00	\$ 172	1.44	\$ 216
65600 Payroll Tax	278.05	\$ 425	587.19	\$ 429	153.86	\$ 494
75170 Rent	7,800.00	\$ 8,200	8,200.00	\$ 9,000	7,500.00	\$ 9,000
75180 Utilities	2,371.03	\$ 2,500	2,270.33	\$ 1,050	1,585.30	\$ 2,000
75220 Office Supplies & Expense	0.00	\$ 1,000	989.16	\$ 1,000	0.00	\$ 500
75300 Contracted Services	67,833.50	\$ 226,500	242,502.00	\$ 244,027.50	154,851.00	\$ 245,000
75350 Animal Control	1,356.00	\$ 1,500	1,356.00	\$ 1,500	1,122.00	\$ 1,500
75990 Miscellaneous Expense	0.00	\$ 500	0.00	\$ 500	0.00	\$ 250
76110 Telephone & Communication	852.11	\$ 1,200	1,598.60	\$ 1,200	908	\$ 1,200
TOTAL EXPENSES	\$ 83,708	\$ 247,537	\$ 266,480	\$ 264,482	\$ 172,242	\$ 266,623
GF EXPENSE after grants:	\$ 83,708	\$ 72,537	\$ 64,782	\$ 89,482	\$ 29,742	\$ 86,623

CITY OF TRINIDAD

PROPOSED FY 2016-17 BUDGET

General Fund Dept. 401 - Fire Department

	FY 2015 Actual	FY 2016 Actual	FY 2017 Budget	FY 2017 Actual	FY 2018 Budget	FY 2018 Actual to date	FY 2019 Budget
401 REVENUES							
96000 General Fund Reserves Transfer					75,000		
TOTAL REVENUES					75,000	75,000	
401 EXPENDITURES							
60900 Honorariums	1,800.00	1,800.00	1,800.00	1,800.00	1,800.00	1,500.00	1,800.00
71210 City Engineer - Admin				1,996.00		3,668.00	
75180 Utilities	498.64	520.59	1,150.00	466.59	500.00	489.19	550.00
75190 Dues & Membership	35.00	190.00	100.00	190.00	250.00	190.00	250.00
75280 Training/Education	195.00	0.00	400.00	400.00	500.00	0.00	500.00
75300 Contracted Services	3,894.00	0.00	5,000.00	3,144.00	75,000.00	73,762.70	2,500.00
76110 Telephone	216.74	1,172.51	1,000.00	767.83	1,000.00	634.76	1,000.00
76140 Dispatch	1,712.50	415.75	900.00	0.00	900.00	0.00	900.00
78120 STREET LIGHTING	56.13			47.32			
78140 Vehicle Fuel and Oil	178.69	127.57	350.00	144.38	350.00	111.44	350.00
78150 Vehicle Repairs & Maintenance		431.15	2,500.00	407.50	2,500.00	0.00	2,500.00
78160 Building Repairs & Maintenance	7,820.08	240.00	1,000.00	202.25	1,000.00	6.59	1,000.00
78190 Materials, Supplies & Equipment	1,326.79	1,785.83	2,500.00	929.45	2,500.00	958.51	5,000.00
78200 Equipment Repairs & Maintenance	100.54	368.00	400.00	415.95	1,000.00	0.00	1,000.00
90000 Capital Reserves							
TOTAL EXPENSES	17,814.11	7,195.40	17,100.00	10,911.27	87,300.00	81,321.19	17,350.00

BUDGET ITEM SUPPLEMENTAL INFORMATION STARTS HERE.

(11) NEW PAGES INSERTED ON WEDNESDAY, JUNE 13.

DISCUSSION/ACTION AGENDA ITEM

Date: June 14, 2018

Item: 2019 Budget Development

The current draft of the 2019 Budget for the City of Trinidad is presented for discussion and input. Staff expect to bring a final budget for adoption by the Council at the June 27th meeting based on the feedback received here. This discussion focuses on the General Fund portion of the budget.

A summary of the major budget areas, service levels, and assumptions follows. This discussion focuses on the General Fund portion of the budget. Discretionary choices for the Council are called out for discussion. The text below is meant to accompany the attached files.

Key Decision Points affecting the 2019 GF Budget (and future years)

Expenses:

Admin Assistant Position - Our administrative assistant (AA) positions is currently vacant. This has been a 20 hr/wk position. Staff and the Council agree we could use full time help. Do we hire a full time administrative assistant, or hire the position at 75% (30 hrs/wk)? The cost difference is about \$22,000/yr for the additional hours and the retirement and medical benefits that come with the full time position.

Staff would like to hire at full time, and have balanced this year's budget under that scenario. Anticipated reductions in revenue and increasing expenses in the coming years will likely require a reduction in staffing either way, but the deficit to overcome will be larger with a full time hire.

Police - The current draft budget assumes we will continue to contract with the County for 1.5 deputies in 2019 - which results in a 10 hour shift six days a week, and a response from the Sheriff's Office at all times. We will receive \$75,000 in Measure Z grant funds as well as \$105,000 in state COPS grant funding to help offset much of the sheriff contract costs. Measure Z money will not be available in subsequent years, unless voters countywide approve a continuation of this tax measure. Maintaining 1.5 deputies after next year without Measure Z funding would cost the city an additional \$75,000/yr. Outside funding would be necessary to support this.

Potential Salary Adjustments - The City is overdue for a compensation comparison study to evaluate our salary schedule. \$8000 for such a study is included in this draft

budget. Staff anticipate the results will indicate a need to increase some pay rates over time to ensure we can retain experienced and well qualified staff.

'Discretionary' projects currently included in the GF Budget:

\$8,000 for a compensation comparison study

\$15,000 to support community organizations (Chamber, Library, Land Trust, Museum Society)

\$15,000 for Trinidad Town Hall trim replacement and repainting (sorely needed, and likely an ongoing expense line for some years)

\$5,000 – Fire fighting Equipment – the TVFD needs to gradually replace their set of self contained breathing apparatus (SCUBA – but for fire fighting)

Cemetery Fund

The City has managed the income (from plot sales) and the costs of maintaining the cemetery separately from the General Fund. The City gradually built a cemetery reserve fund with plot sales, which has a balance of approximately \$95,000. In recent years the maintenance costs are exceeding revenue by approximately \$20,000/yr. If this continues the reserves will run out in five years, and maintenance costs will fall onto the General Fund. Our auditor recommends that we include the cemetery costs as part of the General Fund now, and that we use the cemetery reserves as seed money to start building a cemetery endowment fund. If that fund could be built large enough, (with outside donations), it could generate income to offset the maintenance costs. The endowment would need to be on the order of a million dollars for the annual return to generate \$20,000/yr. (using 2% returns given the current low interest rate environment)

Including the cemetery fund in the General Fund would increase our costs by an estimated \$17,500 in the 2019 Budget. Staff have NOT done so at this point, but could make that change. We incur these costs either way, it's a question of where they show in our financials.

Avoiding Rent –

The City currently pays \$18,000/yr in rent for the offices at 463 Trinity St. If the City was able to use reserve funding and/or financing to purchase a suitable location for these offices, we could eliminate our rent bill. Of course owning a building would come with its own ongoing expenses. The City is currently exploring this option, but this concept is not represented in the current draft budget.

Revenue

Cities have limited ability to raise revenue – primarily increasing TOT and sales tax rates, both of which would require approval by the voters.

Cell tower lease:

The draft 2019 budget assumes the City does reach an agreement to continue the cell tower lease for an additional year, through August 2019, at an increased lease rate. The City's current policy is to terminate the lease permanently as of September 2019. Lease revenues in the 2020 FY would comprise only two months of income. This reduces GF revenue by at least 25,000/yr (based on the old lease).

TOT Rates

The City could consider increasing our TOT rate from the current 10%. An increase to 12% would (assuming all else equal) generate an additional \$28,000/yr based on recent TOT revenue. This seems like an appropriate way to fund the increased administrative costs associated with implementing the City's STR regulations.

Sales Tax –

City residents have repeatedly approved a 0.75% local sales tax measure. This generates about \$105,000/yr. The current measure will sunset in spring of 2021 – a renewal would need to be on the ballot in the fall 2020 election. An increase from 0.75 to 1 % would generate approximately \$143,000/yr, or \$38,000 more than the current rate (based on current sales tax receipts).

Staff recommendation:

Review and Discuss

Provide Direction to staff both generally, and specifically with regard to the Admin Assistant position, which needs to be advertised ASAP.

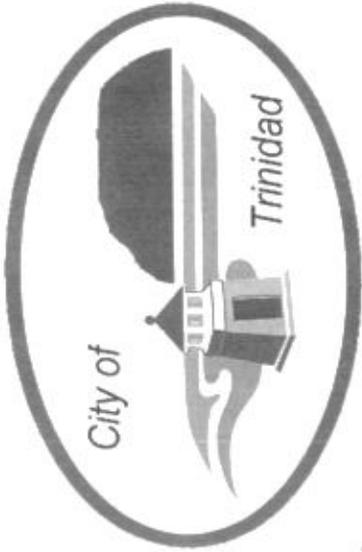
Hiring at full time vs. 75% increases the annual costs by ~\$22,000/yr.

The current draft GF budget is just balanced with a Full Time Admin Assistant in 2019, but expenses quickly overtake revenue in the coming years.

Attachments:

Draft City of Trinidad 2018 Budget

Draft budget presentation

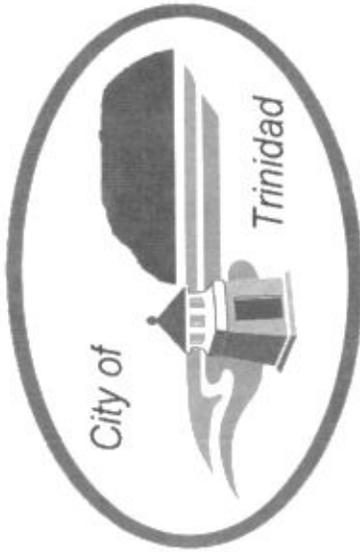


CITY OF TRINIDAD

FY 2018-19

DRAFT Budget

June 14th, 2018



City Council Members

Susan Rotwein (Mayor)
Dwight Miller (Mayor pro tem)
Jim Baker
Jack West
Steve Ladwig

City Staff

City Manager – Dan Berman
City Clerk – Gabe Adams
Grants & Projects Manager – Rebecca Price-Hall
Administrative Assistant – Vacant
Interim Public Works Director – Ryan Desmit
Public Works Operator – vacant
Public Works Operator – Paul Rosenblatt

Contract Staff

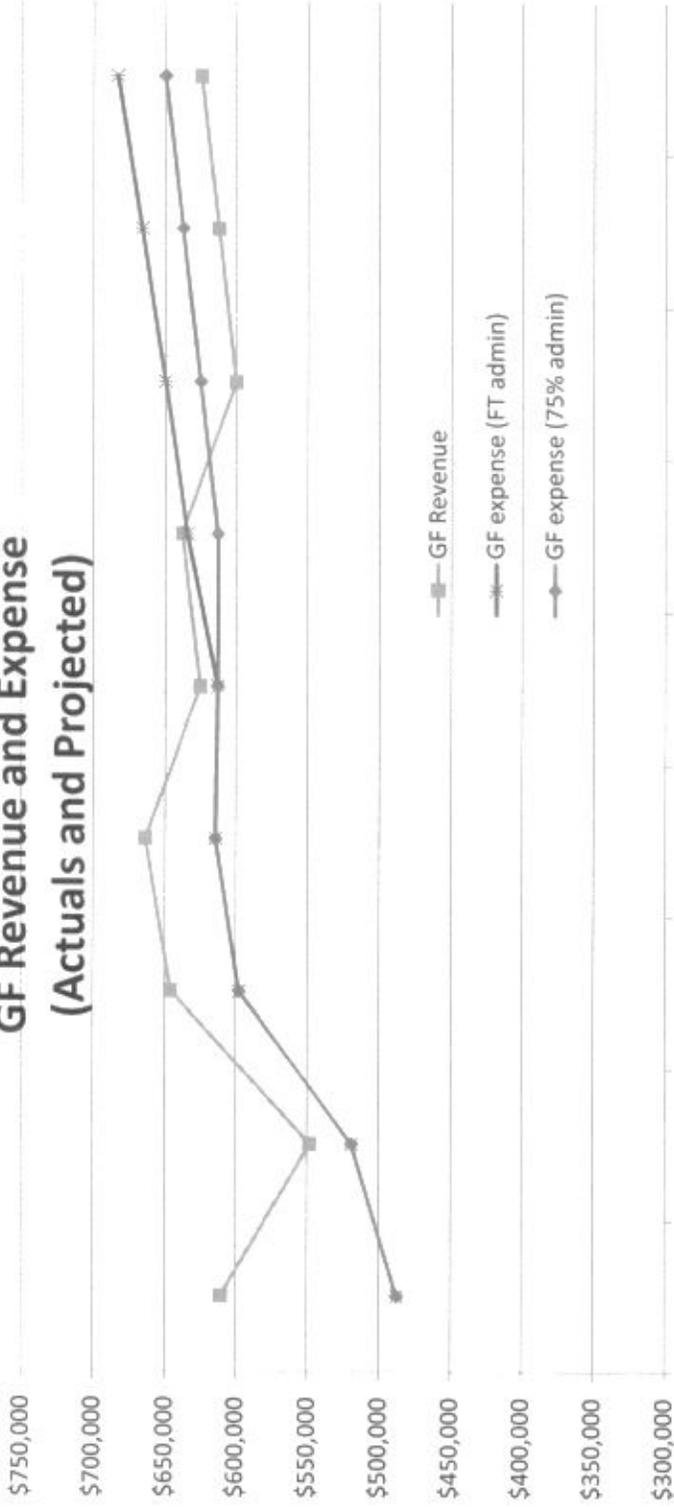
City Attorney - Andrew Stunich
City Planner – Trever Parker
City Engineer – Steve Allen
City Building Official – John Roberts
Trinidad Deputies – Luke Mathieson
Nate Cumbow

**Draft Summary
Budget**

	2017-18 Revenues	2017-18 Expense	Net	Notes
General Fund	\$637,752	\$635,702	\$2,050	Full Time AA included (adds \$22,000 to expense vs ¾ time)
Water Fund	\$325,000	\$301,988	\$23,012	Expenses include \$20,000 to Water Reserves
Cemetery Fund	\$6,200	\$23,617	-\$17,417	Deficit funded with Cemetery Reserves
IWM	\$16,500	\$22,222	-\$5,722	Deficit funded from IWM Reserves
Public Safety Grants (Measure Z and COPS)	\$180,000	\$180,000	\$0	
Total	\$1,165,452	\$0	\$1,163,529	\$0

Note - Excludes State Grant Projects for Stormwater and Van Wycke Trail

GF Revenue and Expense (Actuals and Projected)



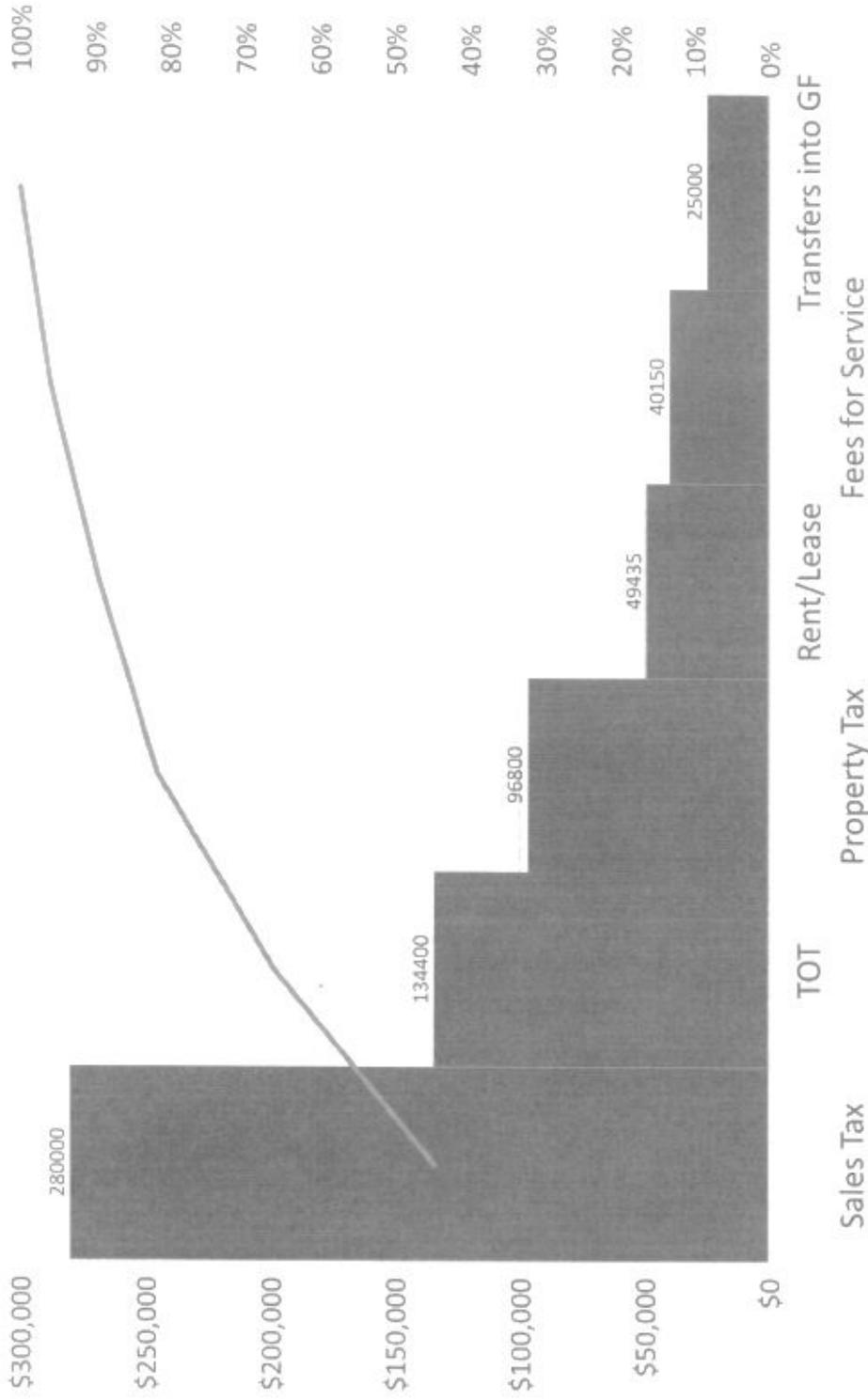
GF Revenue	\$610,361	\$548,116	\$645,998	\$663,426	\$625,000	\$637,752	\$600,000	\$612,000	\$624,240
GF expense (FT admin)	\$487,619	\$519,055	\$597,819	\$614,237	\$612,726	\$634,212	\$650,067	\$666,319	\$682,977
GF expense (75% admin)						\$612,682	\$624,936	\$637,434	\$650,183
Net (FT AA)	\$122,742	\$29,061	\$48,179	\$49,189	\$12,274	\$3,540	(\$50,067)	(\$54,319)	(\$58,737)
Net (3/4 AA)						\$25,070	(\$24,936)	(\$25,434)	(\$25,943)

- Cumulative GF gain/loss 2014-2018: ~\$245,000
- 2019-20 Projection assumes Cell Lease and Harbor Lease end
- 2020 on assumes we go back to 1 deputy, or find a replacement for Measure Z funds.
- We need to increase revenue or decrease expenses...

2019 General Fund Expense Detail

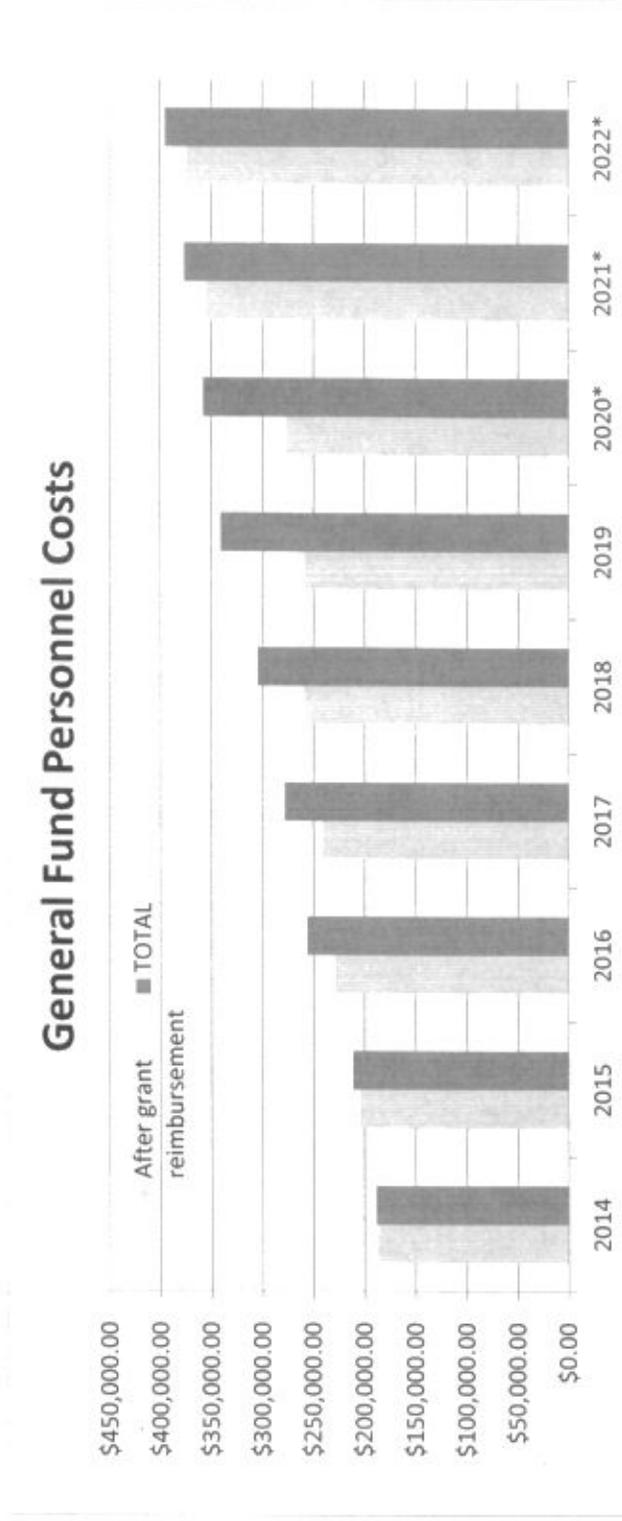
Personnel	TOTAL
City Employees	
City Wages	\$223,385
Benefits	\$89,565
Payroll Taxes	\$19,140
Workers Comp	\$8,377
City Employees Sub Total	\$340,467
Less Grant Reimbursement	(\$81,000)
City Employees Total	\$259,467
Contract Staff/Services	
Police/Sheriff	\$65,528
Planning	\$51,000
Engineering	\$16,000
Building Inspector	\$7,000
Legal	\$ 20,000
Accounting	\$18,000
Public Works Maintenance Help	\$20,000
Contract Subtotal	\$197,528
Everything Else	
Honorarium	\$5,300
Rent	\$18,500
Insurance	\$17,700
Maintenance, Supplies, Equipment	\$66,750
Utilities	\$21,850
Community Support (TOT)	\$15,000
Audit	\$14,500
Other	\$18,823
Subtotal:	\$178,423
TOTAL	\$635,417

2018 General Fund Revenue Composition



Notes: Sales Tax and TOT combined are 2/3 of total GF revenue. This proportion will increase as cell lease, and possibly harbor lease, go away.

2019 Budget Personnel Costs Summary



Notes - 1) Assumes Administrative assistant is full time

- 2) Grant reimbursement is keeping staff costs down in 2017-2020, but underlying costs are rising steadily.
- 3) When grant support wanes, expected in 2021, the City will not be able to support the proposed 2019 staffing levels.

‘Discretionary’ Expenditures included in 2019 Budget

	<u>General Fund</u>	<u>Water Fund</u>	<u>Grant Funds</u>
Compensation study	\$5,000	\$3,000	
Water level monitoring and report			\$12,000
Town Hall Maintenance	\$15,000		
Capital Improvement Plan	staff time	\$8,000	
OWTS Permitting Priority	(costs are in staff time)		
Trail Maintenance	\$3,500		
ADA Improvements			\$10,000 (PARSAC)
TOT to community orgs	\$15,000		
Potential raises for hourly Employees*	\$4,000	\$2,000	
TOTAL:	\$52,500	\$13,000	\$22,000

*included in salaries – to be realized based on comp study and regular reviews



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

5. Discussion/Decision regarding Parker Street Right-of-Way Encroachments.

THIS ITEM WAS INSERTED INTO THE REVISED AGENDA AND PACKET ON WEDNESDAY, JUNE 13.

ACTION AGENDA ITEM

Date: June 14, 2018

Item: Parker St. Right of Way Encroachments

Summary:

Parker St. is quite narrow as it passes between the four-plex apartments on the south side of the Street and 640 Parker St. on the north side of the street. This narrow spot results in part from significant encroachments on the street right of way that are occupied by rocks, soil, and vegetation in front of 640 Parker St. and (to a lesser extent) in front of the 'Picker's Paradise'. There are also encroachments on the opposite side of the street, where the cherry tree and the parking for the apartments are partially in the right of way. When people park on the north side of the street in front of these encroachments, it becomes a one lane street trying to handle two-way traffic. The angled intersection of Underwood and Parker further limits visibility.

These encroachments have been in place for many decades, predating the current owners of these homes. Encroachments in the street right of way require an approved encroachment permit from the City; however many such encroachments exist throughout town without any permit, including these. Many residences farther along Underwood also have unpermitted encroachments, including fencing, vegetation, and other landscaping within the right of way, some of which prevent safe street-side parking.

Staff's general approach with the issue of encroachments is to:

- a) Prevent new encroachments from occurring without a permit;
- b) Inform residents of the location of the right of way line, the need for encroachment permits within the right of way, and the potential that the City may reclaim this area for the public benefit; and
- c) Consider reclaiming the right of way on a case by case basis

The City has received concerns from residents who find this situation hazardous due to the narrow street, people parking within this narrow spot, and the vegetation on the north side of the street obstructing the view of oncoming traffic. Staff has discussed the situation with the residents of 640 Parker St. They were surprised to find so much of their front yard was actually in the street right of way, and would prefer not to see it removed. They agreed as an initial measure to have the vegetation trimmed back further for visibility, and supported the idea of restricting parking in front of the encroachment.

Staff thinks the current situation is not safe, and sees two primary options for consideration by the Council: limited restoration and a restriction on parking in this location, or full restoration of the right of way.

Limited Restoration: This would involve trimming existing vegetation in the encroachment to improve visibility for drivers, and marking this narrow spot as 'no parking' with red paint and signage. The City would retain the right to reclaim the right of way in the future. This would

remain a narrow point in the road, but with better visibility and no parked cars to obstruct the street. The paved width would not change.

Full restoration: This would involve heavy equipment work to remove rocks, soil, and vegetation in the right of way, effectively widening the street. The reclaimed area would be leveled and graveled, creating two or three (safe) parking places along the north side of the street where the encroachments currently exist. Visibility would be improved. The City would bear the cost of the work, roughly estimated at \$5,000. Some savings would likely result if the work was done during the Hector St. Rain Garden improvements, as the equipment and manpower would already be present.

Pros and Cons:

Each of these situations is unique. In this case, the location represents a 'break' between the commercial businesses on Trinity and Parker St., and the dead end residential street of Underwood. There is an aesthetic and engineering argument that narrower streets can be beneficial in helping slow traffic and creating a buffer between the commercial and residential areas.

Full restoration would have the benefit of creating (or at least moving farther out of the road) two to three safe parking places, which are in demand in this area of town. The limited restoration option would eliminate two very unsafe parking places.

Staff recommends that the City first try the limited restoration option with parking restrictions. The vegetation work is largely complete. The City would 'red stripe' this zone and place a no parking sign. We would see how it goes, and reassess based on the results and feedback from the neighborhood. If it seems safe, and the neighborhood concerns are resolved, this would be a cheaper and easier solution with less disruption to the residents. If it does not resolve concerns, full reclamation of the Right of way could be pursued.

Alternatively, the City could go ahead with full removal of the encroachments.

Council Action:

Provide Direction to staff

Attachments: Two pages of Photos.

Figure 1: Looking West - Encroachments on the right.



Figure 2 Looking East



Figure 3. Cars Parked adjacent to Encroachments creating a one lane road.



Figure 4 –plan view - encroachment highlighted with dotted rectangle.

